



BILLINGS, MONTANA

Corporate Headquarters
1120 South 27th Street (3914)
P.O. Box 30916, Billings, MT 59107
Fax: (406) 252-6069
Voice: (406) 252-6325
Toll Free: (800) 735-4489

FPC mts
7/13/00

San Juan

Ops outside Licensed
area mentioned

6/1/99, 4/13/99

NO mention

12/18/98, 8/28/98

7/9/97, 6/18/97, 4/18/96

2/1/96, 5/19/95, 8/11/94

gulch area mention -
5/5/94

NOV - concrete disposal
32/10/94 (injection 3/8/94)

1/19/94 - New Trench
needs liner.

Sept 93 - Fill in concrete

BILLINGS CASPER GILLETTE RAPID CITY

CASPER: 2393 Salt Creek Highway, P.O. Box 3258, Casper, WY 82602, Fax (307) 234-1639,
Voice (307) 235-0515, Toll Free (888) 235-0515

GILLETTE: 1105 West First Street, Gillette, WY 82716, Fax (307) 682-4625, Voice (307) 686-7175

RAPID CITY: 610 Farnwood, P.O. Box 2470, Rapid City, SD 57709, Fax (605) 342-1397, Voice (605) 342-1225

BUILDING ON ANALYTICAL EXCELLENCE



Journal of the
Society of the
Sisters of the Holy Spirit
1874

Volume 1
Part 1
1874

Published by the
Society of the Holy Spirit
1874

Printed by the
Society of the Holy Spirit
1874

Sanitation, Inc.

Photos by Barry Damschen

October, 1999

File in Inspection Folder.

Fergus
Co.

Need Part 2



QUALITY PARK

6 x 9



Damsch
Oct 10, 1999

(No. 89) 018 22+00 NNNNN -6AU 0006



Damochu
Oct 10, 1999

CHC-11022 22+00 HHHH-149J 0006



Damschen
Oct 10, 1999

Chc. 10>020 22+00 NNNNN -EAU 0006



Damschen
Oct 10, 1999

(No. 12024 22+00 NNNNN -6AU 0006



Damsch Oct 10, 1999

(No. 5A) 012 22+00 NNNNN-14RU 0005



Damsch

Oct 10, 1989

<No. 13> 826 22+00 NHHH-16H 0005



Damschen

Oct 10, 1999

CHC-19>038 22+00 NNNNN-17RU 0006



Damsch

Oct 10, 1999

CHC.18>036 22+00 NHHN-12AU 0006



Damschen
Oct 10, 1999

CHC. 6A0014 22+00 N44W41-139U 0006



Damschen
Oct 10, 1999

CHC.4A>010 22+00 NHHH-15AU 0006



Damschen
Oct 10, 1999

<No. 7A>016 22+00 NHHH-11AU 0006



Dennigsen
Oct 10, 1991

(No. 20) 040 22+00 NHHH-149U 0005



Damschu Oct 10, 1989

CH0.17034 22+00 NNNNN-149U 0006



Damascus Oct 10, 1999

(No. 16) 032 22+00 H4444-194U 0006



Damschen Oct 10, 1989

CHO. 150830 22+00 NN44N-17W 0006



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

August 28, 2007

Mr. William Spoja
P.O. Box 882
Lewistown, MT 59457-0552

RE: Complaint Inspection and Closure. CVID 7667 and 7744

Dear Bill:

On June 12, 2007, I inspected the complaints about the sawdust spreading on your land east of Lewistown on US Highway 87. No violations were noted at the time of my inspection. The sawdust piles were gone and the field had been plowed and planted. I have enclosed a copy of the photos I took for your files. I will close these complaints with our Enforcement Division.

Due to my retirement from the DEQ on August 31, 2007, if you have any questions or comments, please contact Rick Thompson at the Permitting and Compliance Division, Waste and Underground Tank Management Bureau, Waste Management Section: Phone (406) 444-5345, email: rithompson@mt.gov, or FAX (406) 444-1374.

Sincerely,

F. Patrick Crowley
Project Manager
Waste Management Section

Encl: Photos
Cc: Enforcemnet Division
File: Lic. # 291(Closed) Fergus Co/Sanitation Inc/class II/Inspections
Path: G:\WUTSWS\inspections\Complaints\Inspctn_rpt_Close_Spoja.doc

MT DEQ WUTMB P&C DIVISION

PHOTO #: Spoja2

SUBJECT: Spoja Complaint. CVID 7667and 7744

LOCATION: Lewistown

COUNTY: Fergus

DATE: June 12, 2007

WEATHER: Sunny and nice.

PHOTOGRAPHER: F. P. Crowley

PHOTOGRAPHER (Sig.)

CAMERA: Kodak DX6340 Easy Share Digital Camera

EXPLANATION:

Looking at the NE corner fo Spoja's field.
Plowed and planted. Grass and alfalfa
sprouting.



MT DEQ WUTMB

PHOTO #: Spoja 1

PHOTOGRAPHER: F. P. Crowley

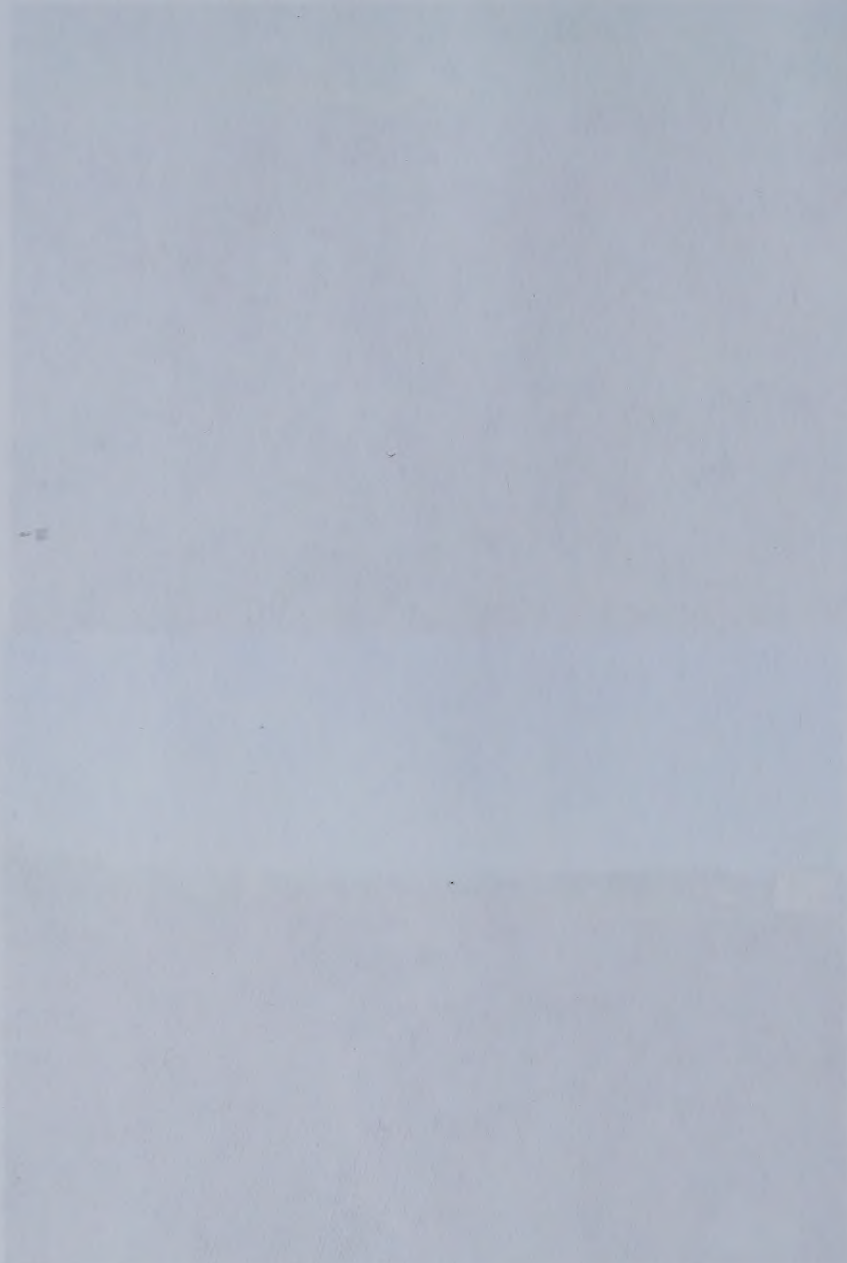
PHOTOGRAPHER (Sig.)

CAMERA: Kodak DX6340 Easy Share Digital Camera

EXPLANATION:

Looking at Spoja field where sawdust was
incorporated. Plowed and planted.





THE UNIVERSITY OF CHICAGO
LIBRARY
1207 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL: 773-936-3000
FAX: 773-936-3000
WWW.CHICAGO.LIBRARY.EDU

THE UNIVERSITY OF CHICAGO
LIBRARY
1207 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL: 773-936-3000
FAX: 773-936-3000
WWW.CHICAGO.LIBRARY.EDU

Correspondence Slip

Project ID: _____

Requested: _____

Needed By: _____

Originator: _____

Org(s)/Mail Code: _____

REVIEW
ROUTING

Name

Task

Initial/Date

DAS

approve

DAS, 8/28

R.T

approve

RT, 8-28-2007

JH

proof + mail

CK, 8/28/07

out in mail 8/29/07

Mail original via:

☐ Regular ☐ Certified ☐ Registered ☐ FedEx

Fax to addressee at: _____

Proof Path: G:\WUT_____

Mail copy of enclosures
to CC's? ☒ Y ☐ N

Special Instructions:

Color copies for Encl. + 7
fileCopies of enclosures
for file needed? ☒ Y ☐ NCopy of letter for file
needed? ☒ Y ☐ N

3





Spoja CVID 7667/7744

Coleman, Edward

From: Linda_C_Roberts@blm.gov
Sent: Wednesday, February 01, 2006 1:32 PM
To: Coleman, Edward
Subject: Fw: sawdust

Follow Up Flag: Follow up
Flag Status: Flagged



spoia0002.JPG



spoia0004.JPG



spoia0007.JPG

Mr. Coleman,

We received a copy of the letter dated October 26, 2005 sent to William Spoja regarding Sawdust Complaint [CVID #7667] and are again requesting some action be taken on this issue. Mr. Spoja made a half hearted attempt to level the sawdust stockpiled in the file, but did not remove any sawdust from his property. Attached are three photos taken this week after the winds have blown the sawdust into the road and ditches again. One of our neighbors just complained to us about the poor visibility last week when the winds were blowing and they were trying to enter the highway. We are requesting that something be done about this issue as we continue to deal with sawdust after Mr. Spoja has been notified to removed it from the site.

Your attention in this matter is greatly appreciated.

Fred & Linda Roberts

----- Forwarded by Linda C Roberts/MTSO/MT/BLM/DOI on 02/01/2006 08:02 AM -----

Fred
Roberts/MTSO/MT/B
LM/DOI

02/01/2006 07:51
AM

To
Linda C Roberts/MTSO/MT/BLM/DOI@BLM
cc

Subject
sawdust

(See attached file: spoia0002.JPG) (See attached file: spoia0004.JPG) (See attached file: spoia0007.JPG)







Coleman, Edward

From: Fred_Roberts@blm.gov
Sent: Thursday, February 02, 2006 8:53 AM
To: Coleman, Edward
Subject: MT (CVID #7667)

Follow Up Flag: Follow up
Flag Status: Flagged



duststorm0600 06.JPG



duststorm0600 09.JPG



duststorm0600 11.JPG

Dear Ed,

Is there any way you can help us with this situation, sawdust complaint Mt (CVID #7667)? It has gotten unbearable the last few days. I think that my family, I, and our pets are going to have to move out until the situation is resolved. This has been going on for 2.5 years and Mr Spoja has done almost nothing to comply with your direction.

He has never run a plow through this field. He uses a tool bar with a spring tooth follow up. When he pulled the sawdust out of the highway right-of-way he piled inside the fence and spreaded it back out. He has never gotten all of the sawdust out of the right of way. He just takes the top layer off any place that doesn't have vegetation growing on it. There is a drainage running through the middle of his property that has never been worked with any equipment, I would guess the sawdust at at least head high in the drainage. In short, he has ignored almost everything you have directed him to do in the compliance letters dated 10/12/04, 7/12/05, and 10/26/05. I recommended early on to Mr. Spoja and someone in your agency that he put snow fences on his property to keep some of the sawdust on his property. It never happened. You can see from the attached pictures that the saw dust accumulates behind high points and objects just as snow does in the wind.

If Montana DEQ is not able to get the mess cleaned up could you give us some advise on where to go for help. I am almost sure there is not a lawyer in Fergus County that is willing to take on William Spoja Jr. Do you have recommendations for environmental lawyers else where in the state that would take on a case like this.

Please see new pictures from last night.

Thank you,

Fred Roberts
BLM Wildlife Biologist
Lewistown Field Office
80 Airport Road, P.O. Box 1160
Lewistown, MT 59457
406-538-1925
froberts@mt.blm.gov

(See attached file: duststorm060006.JPG) (See attached file: duststorm060009.JPG) (See attached file: duststorm060011.JPG)







Crowley, Patrick

From: Fred_Roberts@blm.gov
Sent: Tuesday, February 07, 2006 8:17 AM
To: Crowley, Patrick
Cc: Coleman, Edward; Thompson, Ricknold
Subject: RE: MT (CVID #7667)

Patrick,

Me and my family will be out of town from the 23rd to the 26th. You are more than welcome to come in our yard to take pictures. The barn and the garage will be open but the house will probably be locked. We pretty much cleaned the house for a super bowl party this weekend so there is not much evidence left there. Hopefully we won't get high winds in dry weather conditions between now and then. It snowed a trace last night so we should be okay for a few days. Everyone in my family has bronchitis right now, it happens every time we get one of these sawdust storms.

I wish there was something you could do before the 23rd to minimize the chance of us getting buried with sawdust again. I can tell you that Mr. Spoja has done almost nothing that you have directed him to do through the various letters. We are tired of being sick and buried.

Fred

"Crowley,
Patrick"
<pcrowley@mt.gov>

02/06/2006 12:59
PM

"Coleman, Edward"
<ecoleman@mt.gov>,
<Fred_Roberts@blm.gov>

To

"Thompson, Ricknold"
<rithompson@mt.gov>

cc

RE: MT (CVID #7667)

Subject

I need to be in Great Falls to give two lectures on Friday, February 24, 2006. Weather permitting, I will inspect the situation in Lewistown on the 23. I will contact the complainants in advance for permission to take pictures on their property. I will also contact the MDT Section Head while I am there for his input.

F. Patrick Crowley
Solid Waste Licensing Project Manager
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-9091
Phone 406-444-5294
Fax 406-444-1374
email pcrowley@mt.gov

-----Original Message-----

From: Coleman, Edward
Sent: Monday, February 06, 2006 9:19 AM
To: 'Fred_Roberts@blm.gov'
Cc: Crowley, Patrick; Thompson, Ricknold
Subject: RE: MT (CVID #7667)

Mr. Roberts:

I have forwarded the information you provided to Pat Crowley as he is currently managing this complaint. If you would like to contact Pat directly, he can be reached at 444-5294 or pcrowley@mt.gov

Ed Coleman
Complaint Management Section Chief
Enforcement Division
406-444-2964
ecoleman@mt.gov

-----Original Message-----

From: Fred_Roberts@blm.gov [mailto:Fred_Roberts@blm.gov]
Sent: Thursday, February 02, 2006 8:53 AM
To: Coleman, Edward
Subject: MT (CVID #7667)

Dear Ed,

Is there any way you can help us with this situation, sawdust complaint Mt (CVID #7667)? It has gotten unbearable the last few days. I think that my family, I, and our pets are going to have to move out until the situation is resolved. This has been going on for 2.5 years and Mr Spoja has done

almost nothing to comply with your direction.

He has never run a plow through this field. He uses a tool bar with a spring tooth follow up. When he pulled the sawdust out of the highway right-of-way he piled inside the fence and spreaded it back out. He has never gotten all of the sawdust out of the right of way. He just takes the top layer off any place that doesn't have vegetation growing on it. There is a drainage running through the middle of his property that has never been worked with any equipment, I would guess the sawdust at at least head high in the drainage. In short, he has ignored almost everything you have directed him to do in the compliance letters dated 10/12/04, 7/12/05, and 10/26/05. I recommended early on to Mr. Spoja and someone in your agency that he put snow fences on his property to keep some of the sawdust on his property. It never happened. You can see from the attached pictures that the saw dust accumulates behind high points and objects just as snow does in the wind.

If Montana DEQ is not able to get the mess cleaned up could you give us some advise on where to go for help. I am almost sure there is not a lawyer in Fergus County that is willing to take on William Spoja Jr. Do you have recommendations for environmental lawyers else where in the state that would take on a case like this.

Please see new pictures from last night.

Thank you,

Fred Roberts
BLM Wildlife Biologist
Lewistown Field Office
80 Airport Road, P.O. Box 1160
Lewistown, MT 59457
406-538-1925
froberts@mt.blm.gov

(See attached file: duststorm060006.JPG) (See attached file:
duststorm060009.JPG) (See attached file: duststorm060011.JPG)

FILE TYPE	PAGE	DATE	FROM	TO	RE
Inspections1999-Sec.2	8	04/13/99	Pat Crowley	File	On-site Observation Form
Inspections1999-Sec.2	4	06/01/99	Pat Crowley	File	On-site Observation Form w/Photos
Inspections1999-Sec.2	17	05/12/03	Tim Stepp	William Spoja Jr.	NOV, Inspection Report, Notice of Deficiency, Final Closure & Financial Assurance



Montana Department of
ENVIRONMENTAL QUALITY

MAILED
5-14-03 *gh*

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.state.mt.us
CERTIFIED MAIL # 7001 1940 0006 3564 3010

May 12, 2003

Mr. William A. Spoja, Jr.
Sanitation, Inc.
P.O. Box 882
Lewistown, MT 59457-0882

RE: SANITATION INC. CLASS II LANDFILL (Lic. #196)
(I) INSPECTION REPORT AND VIOLATION LETTER
(II) NOTICE OF DEFICIENCY—FINAL CLOSURE & FINANCIAL ASSURANCE

Dear Mr. Spoja:

The Department (DEQ) has evaluated your recent corrective actions by inspection of your Class II landfill and review of the DEQ file record to determine the current level of compliance at the Sanitation, Inc. Class II Landfill in Lewistown, Fergus County, Montana. The finding of the Inspection Report supports a Violation Letter that documents three major violations and one minor violation and provides a Notice of Deficiency (NOD) based on the last submittals of proposed final closure and financial assurance documents. With the exception of baseline post-closure financial assurance (FA), all of the final facility tasks and deadlines remain as listed by you in the latest work schedule (Damschen, 2/10/03, enclosed) which now constitutes the "Final Schedule." However, due to significant delays in your correction of the FA violations, you now must guarantee completion of the required FA activities by timely execution of a consent agreement with the Department that stipulates each final FA task and deadline listed herein.

(I) On October 22, 2002, I inspected your facility at the end of the field season for timely completion of the required final closure and groundwater (GW) monitoring activities remaining on site. The site inspection was coupled with a detailed review of the DEQ file record for the required establishment of adequate Closure, Post-closure, GW and Methane monitoring plans and Post-closure FA. According to ARM 17.50.526(1), the operator must be notified whenever violations are observed. The Field Observation Form and the Inspection Report are enclosed. The report is divided into major categories, and each category is subdivided into Major Violations, Minor Violations, and Comments. In each case, the appropriate sections of statutes and rules are cited with an explanation of the specific problem and the required corrective action.

The findings of the Inspection Report document the continuance of three Major Violations for inadequate post-closure FA payments (no payments in 2001 and 2002) and inadequate net FA coverage (currently \$108,900 available) and one Minor Violation for protracted delays in final closure of the uncovered Class II footprint (approx. 4.6 acres comprising the northwest one-third outside the license boundary); none of which were corrected by the agreed June 30, 2002 final compliance deadline. The required corrective actions are stipulated in the enclosed "Exhibit A."

(II) The remaining technical requirements to accomplish the final compliance agreements (2/4/02 meeting, the tasks outlined in the enclosed Final Schedule, and the closure and monitoring construction (as submitted in the engineering plans and specifications and discussed during our meeting with Damschen on March 10, 2003) are listed as follows:

Note: CAPS indicate general categories, *action items in italics*

CLOSURE, CQA/CQC, AND POST-CLOSURE PLANS:

A. *Please correct your last Closure Plan (CP, Sheet 1 of 2) for proper labels of GW monitoring wells SIMW-1 and -3, the proposed location of new GW monitoring well SIMW-4 and the piezometer, the monitoring standpipes on the west and east ends of the trench, and the facility fence. Please submit documents verifying and certifying that the Class IV area has reached final closure as indicated. The CQA/CQC Plan provided in the 1996 Closure Plan, including the testing methods and frequencies, is approved. The deed notation must be accompanied by a survey plat completed by a registered professional surveyor showing the location of the complete Class II landfill footprint perimeter. Please fully update the Post-Closure Plan as discussed in the Inspection Report (see Post-closure Care subsection).*

PRESCRIPTIVE STANDARD FINAL COVER:

B. Although the proposed homogeneity of the borrow source was not demonstrated by the analysis provided from a single sample, continuous engineering QA/QC oversight will be provided by Mr. Damschen, P.E. according to the approved QA/QC Plan during construction so that observations and manual estimates can augment the scheduled quantitative measurements. *Please make five corrections on the final cover profile shown on Sheet 2, detail 1, of your last CP. For the 18-in compacted-clay barrier layer (CCL), please specify a maximum permeability of 1×10^{-6} cm/sec at 95% of Standard Procter, fully tested according to methods and frequencies listed in the approved 1996 QA/QC Plan. The maximum local frost depth is at least 3 feet on average (Lewistown public works). Please include a minimum 18-inch loose frost-protection and water-balance root layer over the proposed 18-in CCL (both excavated from the same borrow pit), which amends the final cover profile to 42-inch total thickness. Topsoil must be provided from an approved source of appropriate topsoil material with documented fertility, tilth, field capacity, etc. Please specify your topsoil source and fertility demonstration or tests for approval. Topsoil amendments and blending process are approved as submitted in the recent updates (3/18/03 & 3/26/03), wherein not more than 3 inches of fine decomposed sawdust and nitrogen amendments (as specified) are blended in place with the full six inches of topsoil. Although sawdust decomposition will initially rob nitrogen from the topsoil, it may eventually improve tilth and field capacity. Fourth, please specify, as agreed, that revegetation will help fix topsoil nitrogen by commencing with a community of legumes (minus deep rooting species like alfalfa, etc) in the first year, followed in year two by seeding with shallow-rooting local native species conforming to the appropriate NRCS mix. Local surface grades on the final cover build-out may not exceed 3:1 anywhere on site. Closure work must follow the approved Final Schedule.*

POST-CLOSURE MONITORING

C. *Approval is granted to abandon ground-water monitoring well SIMW-1 at the northeast corner. SIMW-1 must be plugged and sealed properly [see ARM 17.50.722] to mitigate potential infiltration of contaminants along the bore hole. As discussed in the 2/4/02*

The following technical report, dated 1/1/00, was prepared by the author for the purpose of providing information on the results of the investigation conducted on the subject of the above-captioned matter. The report is being submitted to you for your information and is being submitted to you for your information and is being submitted to you for your information.

Enclosed are two copies of the report, one for your information and one for the file.

ENCLOSURE AND POST-ENCLOSURE

A. Please advise your local office of the results of the investigation conducted on the subject of the above-captioned matter. The report is being submitted to you for your information and is being submitted to you for your information and is being submitted to you for your information.

ENCLOSURE 21 AND 22

B. Although the report is being submitted to you for your information and is being submitted to you for your information and is being submitted to you for your information, it is being submitted to you for your information and is being submitted to you for your information and is being submitted to you for your information.

POST-ENCLOSURE

C. Please advise your local office of the results of the investigation conducted on the subject of the above-captioned matter. The report is being submitted to you for your information and is being submitted to you for your information and is being submitted to you for your information.

meeting, SIMW-1 must be replaced with a new RPOC down-gradient GW monitoring well (SIMW-4) located adjacent to the storm water pond on the central northern margin of the waste boundary, where it will monitor potential contaminant releases to the uppermost aquifer from the last active waste trench that terminated at the head of the Breed Creek drainage. Two sites on the east and west margin of the stormwater pond must be tested for completion in the two-foot thick sandstone aquifer at the 30- to 50-ft depth range; one site will be selected for SIMW-4 completion and the rejected site will be completed as a piezometer. Please update the ground-water monitoring plan and sampling and analysis plan for the addition of SIMW-4, and the SIMW-4 sample frequency will be determined by the DEQ after evaluation of data obtained on the concentration of contaminants. Updates to those plans must be approved prior to sampling of SIMW-4. These monitoring tasks must follow the approved Final Schedule and be coordinated with DEQ personnel, who will be present on site during siting of the test boreholes. Once completed, well SIMW-4 must provide adequate groundwater after bailing to operate as a fully functional RPOC monitoring well.

- D. Limited passive methane-gas control and venting structures are approved in the final-cover design. Several corrections are required to the passive methane-gas control trench shown on Sheet 1 and Sheet 2, detail 2. Please specify that the trench is located over the waste margin with the southern trench wall just outside the waste perimeter and the axial profile crowned with the topography; the trench floor just overlying uncovered waste and sloping at least 2% toward each end, where the 4-in ventilators can be removed from the west- and east-most PVC standpipes to provide regular monitoring for the accumulation of infiltrated precipitation or gas condensate or migrating leachate. Because it is located over waste, the methane-gas venting trench must be capped according to the approved 42-in standard final-cover profile (including the 18-in frost-protection layer) provided over adjacent waste, so that the gravel collection layer must penetrate at least 3 feet into the waste all along the trench profile. A bentonite seal must inhibit runoff infiltration along the final cover contact with the nonperforated 4-in schedule-40 PVC risers shown on Sheet 2, detail 2. The Methane Monitoring Plan must be fully updated and approved for these activities and those specified in the Inspection Report (see Methane Monitoring subsection). Construction of methane gas control structures must follow the approved Final Schedule.

FINANCIAL ASSURANCE

- E. The last update of the Landfill's post-closure cost estimates was provided on December 31, 1998. As reviewed in the FA letter mailed to you on March 19, 2003, these costs and the FA balance must be adjusted yearly for inflation over the full post-closure period, actual current-dollar cost estimates must be provided every five years to verify the inflationary adjustments, and total annual estimates must include a 10% contingency due to local variations in the cost of services and material supply/demand. No payments were made toward establishment of the required net post-closure FA during 2001 or 2002. Please provide a detailed and itemized update of baseline third-party costs with unit cost breakdowns, including labor, for the estimated annual and net baseline post-closure costs in current dollar amounts. Please include annual estimates and total coverage for periodic costs including maintenance of stormwater controls (min. \$500/yr), maintenance of fence and roads (min \$500/yr), administrative costs (min \$1500/yr), and include a 10% contingency (min. \$1230/yr); the additional minimum estimates being based on evaluation of local contract and material costs and standard unit cost tables. Compositing these periodic cost minimums with the 1998 cost

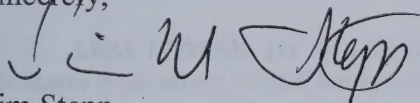
estimates submitted previously (after adjusting monitoring costs downward for two GW wells and three methane wells), SWP estimates a minimum annual baseline post-closure cost of \$13,530/yr (two biannual GW and three quarterly methane wells). Thus the net baseline 30-yr post-closure FA coverage must provide a minimum balance of \$405,900, which must be available in a timely manner when needed, and in a sufficient amount, by whatever approved FA mechanism you choose from those allowed (see FA subsection of Inspection Report). Because only \$108,900 coverage is currently available, the REMAINING \$297,000 baseline post-closure FA coverage was due in full upon cessation of operations on 10/30/00. You may petition for appropriate adjustments when necessary. Establishment of post-closure FA must follow the Compliance Schedules stipulated in the enclosed "Exhibit A."

F. You must now submit all remaining materials by May 31, 2003.

I look forward to working with you to complete the final-cover construction, SIMW-4 completion, and post-closure financial assurance. I am confident that we can rapidly reach a conclusion that sufficiently satisfies all parties without further delays. No part of this letter waives any DEQ claims for Sanitation, Inc.'s past violations.

If you have any questions or comments, please contact me at the Permitting and Compliance Division, Community Services Bureau, Waste Management Section: Voice (406) 444-4475, email tstepp@state.mt.us or FAX (406) 444-1374.

Sincerely,



Tim Stepp
Solid Waste Program

Encl: Site Observation Form, Inspection Report, Compliance Agreements Letter, Final Schedule

Cc: Norm Mullen, DEQ Legal

Neil Ugrin, Ugrin et al., Attorneys, P.O. Box 1746, Great Falls, MT 59403

Barry Damschen, Damschen Consulting

File: **Lic. # 291 Fergus Co/Sanitation Inc class II/Closure and .../Financial Assurance**

Path: G:\CSB\S w s\enforcement\ClassII\sanitationInc\sanInc_closReq_0403.doc

Enclosed for your information are two copies of the report of the [Organization] regarding the [Subject]. The report contains a detailed description of the [Subject] and the [Organization]'s findings. It also includes a list of [Subject] and the [Organization]'s recommendations. The report is being provided to you for your information and for your use in [Subject].

I am sure that you will find this information useful and that it will be of great value to you.

I am sure that you will find this information useful and that it will be of great value to you. I am sure that you will find this information useful and that it will be of great value to you.

I am sure that you will find this information useful and that it will be of great value to you. I am sure that you will find this information useful and that it will be of great value to you.

Sincerely,

J. W. [Name]
[Title]
[Organization]

Enclosed for your information are two copies of the report of the [Organization] regarding the [Subject]. The report contains a detailed description of the [Subject] and the [Organization]'s findings. It also includes a list of [Subject] and the [Organization]'s recommendations. The report is being provided to you for your information and for your use in [Subject].

SOLID WASTE MANAGEMENT SITE/SYSTEM INSPECTION REPORT
(Revision 5/04/01)

Site Name: Sanitation Inc. Class II Landfill

License #: 196

Date of Inspection: 10/22/02

Persons Present: Bill Spoja (owner), Tim Stepp (DEQ inspector)

Applicable Acronyms

ARM = Administrative Rules of Montana

CFR = Code of Federal Regulations

Department = Montana Department Environmental Quality

MCA = Montana Code Annotated

MSWLF = Municipal solid waste landfill

MSWMA = Montana Solid Waste Management Act

NESHAP = National Emission Standards for Hazardous Air Pollutants

GENERAL INSPECTION REQUIREMENTS

§ 75-10-227, MCA (MSWMA) (1) When the department believes that a violation of part 1 or this part, a violation of a rule adopted under part 1 or this part, or a violation of a permit provision has occurred, it may serve written notice of the violation on the alleged violator or his agent. The notice must specify the provision of law, rule, or permit alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order... (for the complete law, please refer to the Montana Solid Waste Management Act, Title 75, chapter 10, part 2, MCA).

ARM 17.50.525 (1) The department has authority under § 75-10-205, MCA, to conduct inspections of solid waste management systems at reasonable hours upon presentation of appropriate credentials.

ARM 17.50.526 (1) If after an inspection the department determines that violation of the act or this subchapter is occurring, it shall notify the licensee of the nature of the violation.

(2) Depending on the severity of the violation, the department may seek a compliance schedule from the applicant or initiate proceedings to revoke the license. The department may also, through the attorney general or appropriate county attorney, seek to enjoin the licensee, or collect a criminal penalty.

(3) The department may seek a civil penalty from persons who store, treat, transport or dispose of waste in violation of this subchapter or Title 75, chapter 10, part 2, MCA.

CONSENT AGREEMENT REQUIRED FOR MITIGATION OF VIOLATIONS

Although Mr. Ugrin, Esq., responded in writing to DEQ's Demand Letter (Mullen, 8/18/00) and DEQ's final compliance agreement letter (Thompson, 2/6/02), no actual plans or designs were submitted to DEQ in 2000, 2001, or 2002 for review and approval nor were any substantive corrective actions taken by the final June 30, 2002, deadline. After the February 4, 2002, meeting and prior to the 6/30/02 deadline and throughout the 2002 field season before this inspection, Mr. Thompson, Mr. Crowley, and I made numerous attempts by telephone to encourage any progress on these tasks through your contact, Mr. Damschen, yet Sanitation Inc. still made no substantive efforts to complete the required tasks as agreed.

At the time of the inspection (10/22/02), there was no on-site or DEQ file-record evidence of either commencement or completion of any of the remaining activities required (according to the 2/4/02 meeting) for final closure construction, groundwater piezometer and monitoring-well (SIMW-4) installations, and post-closure FA activities that were required to be completed by the final June 30, 2002 deadline, even though another entire field season has passed again (site photos on file). Furthermore, during the inspection, when you were reminded of your failure to meet the 6/30/02 deadline and of the approximately \$300,000 FA shortfall, and were asked to

SOLID WASTE MANAGEMENT SITE INVESTIGATION REPORT
(Revision 10/01/01)

For: Environmental Services, Inc.
Project: Site Investigation
Location: Site Investigation
Investigator: Site Investigation

Applicable Regulations	
40 CFR 141.26 - Sewage Treatment Plant Discharges	40 CFR 141.26 - Sewage Treatment Plant Discharges
40 CFR 141.27 - Sewage Treatment Plant Discharges	40 CFR 141.27 - Sewage Treatment Plant Discharges
40 CFR 141.28 - Sewage Treatment Plant Discharges	40 CFR 141.28 - Sewage Treatment Plant Discharges
40 CFR 141.29 - Sewage Treatment Plant Discharges	40 CFR 141.29 - Sewage Treatment Plant Discharges

GENERAL INFORMATION

The purpose of this investigation is to determine the extent of contamination of the site and to identify the sources of contamination. The investigation was conducted in accordance with the requirements of the applicable regulations. The investigation was conducted on the site of the project and the results are presented in this report.

The investigation was conducted on the site of the project and the results are presented in this report.

The investigation was conducted on the site of the project and the results are presented in this report.

- (1) The investigation was conducted on the site of the project and the results are presented in this report.
- (2) The investigation was conducted on the site of the project and the results are presented in this report.
- (3) The investigation was conducted on the site of the project and the results are presented in this report.

CONCLUSIONS AND RECOMMENDATIONS

The investigation was conducted on the site of the project and the results are presented in this report. The investigation was conducted on the site of the project and the results are presented in this report. The investigation was conducted on the site of the project and the results are presented in this report.

The investigation was conducted on the site of the project and the results are presented in this report. The investigation was conducted on the site of the project and the results are presented in this report. The investigation was conducted on the site of the project and the results are presented in this report.

choose a realistic late submittal date, you told me that DEQ could expect the complete documents by December 31, 2002. Again nothing was submitted by that date.

*Due to these long-term and ongoing delays, the facility is cited for **three Major** (see subsection on FA below) and **one Minor Violations** (see subsection on Final Closure below).*

To date even after the late submittals from Damschen (new work-plan schedule 2/12/03 and closure plans 2/26/03), you still have neither provided an updated post-closure care plan, nor provided updated and complete post-closure cost estimates, nor provided a schedule for final establishment of adequate baseline post-closure FA coverage. None of the remaining materials were submitted by the April 15, 2003, final date on the Final Schedule even though we met with Mr. Damschen to discuss the needed materials on March 10, 2003. The final FA timelines and FA balance required to establish adequate baseline post-closure FA coverage as listed herein, were again reviewed with you on March 27, 2003 (telephone) when you were reminded of your 1998 net post-closure cost estimate of approximately \$400,000.

Please see the enclosed "Exhibit A" listing the Final Compliance Deadlines for the required Corrective Actions and the required Consent Agreement to guarantee adequate baseline Post-Closure FA.

POST-CLOSURE FINANCIAL ASSURANCE

Major Violation: Failure to provide adequate net baseline post-closure financial assurance coverage (30-year balance was due upon cessation of operations on 10/30/00); no final correction was made by June 30, 2002, as stipulated in the compliance agreement of 3/1/02.

Two Major Violations: Failure to make any 2001 and 2002 cost adjustments or payments to net baseline FA coverage (zero additional FA provided) in order to correct for the severe shortfall in net baseline post-closure FA coverage that was due upon cessation of operations on 10/30/00.

ARM 17.50.540 (1) The requirements of this rule apply to owners and operators of all Class II landfill units, except owners or operators who are state or federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States. Subdivisions of state government, such as counties, cities or towns, whose debts and liabilities are not directly the debts and liabilities of the state, are subject to this rule.

(a) The requirements of this rule are effective April 9, 1997, except:

(i) small, dry or remote landfills which meet the "small community exemption" criteria set forth in ARM 17.50.506, have until October 9, 1997, to comply; and

(ii) the department may waive financial assurance requirements for up to 1 year until April 9, 1998, for cause, if the owner or operator demonstrates to the department's satisfaction:

(A) that the April 9, 1997, effective date does not provide sufficient time to comply with the requirements of this rule; and

(B) that such a waiver will not adversely affect human health and the environment.

must obtain the approval of the department for the reduction of the closure cost estimate and the amount of financial assurance required. Copies of the demonstration and department approval must be placed in the operating record.

...

(3) The following financial assurance for post-closure care must be provided:

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of hiring a third party to conduct post-closure care for the Class II landfill unit in compliance with the post-closure plan

developed under ARM 17.50.531. The post-closure cost estimate used to demonstrate financial assurance in (b) below must account for the total costs of conducting post-closure care, including annual and periodic costs as described in the post-closure plan over the entire post-closure care period. The owner or operator must submit a copy of the estimate to the department and place a copy in the operating record. Estimates must meet the following requirements:

(i) The cost estimate for post-closure care must be based on the most expensive costs of post-closure care during the post-closure care period.

(ii) During the active life of the Class II landfill unit and during the post-closure care period, the owner or operator must annually adjust the post-closure cost estimate for inflation.

(iii) The owner or operator must increase the post-closure care cost estimate and the amount of financial assurance provided under (b) below if changes in the post-closure plan or Class II landfill unit conditions increase the maximum costs of post-closure care.

(iv) The owner or operator may reduce the post-closure cost estimate and the amount of financial assurance provided under (b) below if the cost estimate exceeds the maximum costs of post-closure care remaining over the post-closure care period. The owner or operator must obtain approval from the department for the reduction of the post-closure cost estimate and the amount of financial assurance and place a copy of the justification in the operating record.

(v) Any changes required above under (ii), (iii), or (iv) above must be reported to the department as part of the report required under ARM 17.50.412.

(b) The owner or operator of each Class II landfill unit must establish, in a manner in accordance with (5) of this rule, financial assurance for the costs of post-closure care as required under ARM 17.50.531. The owner or operator must provide continuous coverage for post-closure care until released from financial assurance requirements for post-closure care by demonstrating compliance with ARM 17.50.531(1)(e).

...

(g) An owner or operator may satisfy the requirements of this rule by establishing more than 1 financial mechanism per facility. The mechanisms must be as specified in (5)(a)-(f) above, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care or corrective action, whichever is applicable. The financial test and a guarantee provided by a corporate parent, sibling, or grandparent may not be combined if the financial statements of the 2 firms are consolidated.

(h) The language of the mechanisms listed in (5)(a)-(f) above must ensure that the instruments satisfy the following criteria:

(i) the financial assurance mechanisms must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action for known releases when needed;

(ii) the financial assurance mechanisms must ensure that funds will be available in a timely fashion when needed;

(iii) the financial assurance mechanisms must be obtained by the owner or operator by the effective date of these requirements or prior to the initial receipt of solid waste, whichever is later, in the case of closure and post-closure care, and no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of ARM 17.50.710, until the owner or operator is released from the financial assurance requirements under (2)(b), (3)(b), or (4)(b) of this rule.

(iv) The financial assurance mechanisms must be legally valid, binding, and enforceable under state and federal law.

Description of violations: Review of the trust fund agreements and the DEQ file record indicates that Sanitation, Inc. has (a) not provided inflated annual payments into the trust fund for 2001 and 2002 (due each Nov. 1 instead of Oct. 1 as allowed on 4/28/97); (b) not adequately accelerated the post-closure FA pay-in schedule and amounts to adjust for the 10/30/00 early closure; and (c) not provided full coverage of the baseline third-party post-closure FA costs plus inflation—your last cost estimates were provided on 12/21/98.

During negotiations at the 2/4/02 compliance meeting, you had already withheld the required annual payment into the FA trust fund (2001 nonpayment notification from Wells Fargo) without notifying DEQ or obtaining prior approval as stipulated in the signed FA trust agreement—a practice repeated in 2002 (2002 nonpayment notification from Wells Fargo).

During the inspection, you were reminded that (a) none of the current FA funds (cash value approx. \$108,900) can be released for closure reimbursement until adequate final post-closure FA coverage is provided, (b) the current balance in the FA trust account is inadequate to fully cover post-closure FA costs in current dollars (inflated and adjusted from your 1998 estimate), and (c) full coverage of the remaining balance of the baseline third-party post-closure FA costs was due upon closure of the facility on 10/30/00.

On 3/1/02 you agreed to correct the severe shortfall in baseline post-closure FA coverage by June 30, 2002, but failed to meet the final compliance deadline. In order to correct these Major Violations, a minimum net baseline post-closure coverage of \$405,900 must be fully provided (\$297,000 balance due) through an approved mechanism(s) by June 30, 2003, as discussed in the accompanying Violation Letter, NOD, and "Exhibit A." Any FA mechanism (or combination) listed in the rules above may be submitted for approval. You must now submit for approval all remaining FA materials by May 31, 2003.

GROUND WATER MONITORING REQUIREMENTS

Comments: Failure to provide adequate 2002 groundwater monitoring and failure to construct the required new groundwater monitoring well and piezometer down-gradient of the last Class II unit by June 30, 2002.

ARM 17.50.701 (2) Compliance with the requirements of this subchapter must be implemented according to the following schedule:

(a) All new Class II units must be in compliance with this subchapter and initial sampling must be completed before waste can be placed in the unit;

ARM 17.50.706 (1) The background ground water quality monitoring well(s) must be located so as to monitor the quality of ground water representative of the ground water passing the relevant point of compliance that has not been affected by leakage from the unit. At least 1 background water quality monitoring well is required at all facilities. At least 2 background wells must be installed at facilities where statistics will be utilized for ground water quality data evaluation unless it can be demonstrated to the department's satisfaction that a single well will suffice for the statistical test method chosen for ARM 17.50.708.

(a) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

(i) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; or

(ii) Sampling at other wells will provide an indication of background ground water quality that is as representative or more representative than that provided by the upgradient wells and will represent the quality of ground water passing the relevant point of compliance.

(2) Downgradient ground water quality monitoring wells must be capable of detecting a migration of hazardous constituents from active and closed waste disposal areas. The number and location of downgradient monitoring wells must be approved in writing by the department. At least 2 downgradient monitoring wells are required, although the department may require more.

(a) The downgradient monitoring system must be installed at the relevant point of compliance specified by the department that ensures detection of ground water contamination in the uppermost aquifer. When physical obstacles preclude installation of ground water monitoring wells at the relevant point of compliance at existing units, the down-gradient monitoring system may be installed at the closest practicable distance hydraulically down-gradient from the relevant point of compliance specified by the department.

(3) All wells shall be designed, installed, developed, sampled and documented in accordance with procedures outlined herein.

ARM 17.50.708 (4)(a) Once established at a disposal unit, ground water monitoring must be conducted throughout the active life and post-closure care period of that disposal unit as specified in ARM 17.50.531. The minimum ground water sampling frequency must be twice per year, at least 3 months apart, at high and low ground water periods, unless otherwise specified in writing by the department. The high and low water ground water level periods will be determined through first year monthly water level measurements. The direction of ground water flow must be determined each time ground water elevations are measured. The rate of ground water flow must be determined each time a well is sampled.

(b) The department may specify an appropriate alternative frequency for repeated sampling and analysis during detection monitoring for Table 1 constituents, or the alternative list approved in accordance with (8) of this rule, during the active life (including closure) and the post-closure care period. The alternative frequency during the active life (including closure) must be no less than annual. The alternative frequency shall be based on consideration of the following factors:

- (i) lithology of the aquifer and unsaturated zone;
- (ii) hydraulic conductivity of the aquifer and unsaturated zone;
- (iii) ground water flow rates;
- (iv) minimum distance between the upgradient edge of the MSWLF unit and the downgradient monitoring well screen (minimum distance of travel); and
- (v) resource value of the aquifer.

ARM 17.50.708 (10) The owner/operator must establish background ground water quality in a hydraulically upgradient or background well(s) for each of the monitoring parameters and constituents required according to Table 1 of this rule if detection monitoring is required or Table 2 of this rule if assessment monitoring is required. Background ground water quality may be established at wells that are not located hydraulically upgradient from the disposal unit if any of the following conditions exist:

- (a) hydrogeologic conditions do not allow the owner/operator to determine what wells are hydraulically upgradient;
- (b) physical obstacles preclude installation of an upgradient background monitoring well location; or
- (c) sampling at other well will provide an indication of background quality that is representative or more representative than that provided by the upgradient wells.

ARM 17.50.721 (1) Any facility that detects Table 1 [ARM 17.50.708] constituents of a hazardous substance in ground water at concentrations above background at the facility will be required to conduct post-closure ground water monitoring.

(2) Any facility designated by 75-10-207, MCA, that closes on or after January 1, 1993, is required to monitor ground water for at least 30 years following closure. The post-closure monitoring schedule will be determined by the department.

Description of noncompliance: Right after our negotiations at the 2/4/02 meeting, the regular Spring sampling of the existing groundwater (GW) monitoring network (wells SIMW-1, -2, and -3) was skipped without notifying or obtaining prior approval from DEQ as required. You also neither completed the initial piezometer tests and sampling nor completed the required GW monitoring well (SIMW-4), both to be located adjacent to the stormwater pond by the agreed June 30, 2002, compliance date.

One of your agreements for in-place closure of the unlined western one-third of the Class II footprint (which lies west of the original licensed-area section-line boundary) was to provide adequate post-closure monitoring for detection of GW contaminants that could be released to the uppermost aquifer downgradient along the northwestern flank of the landfill. Such is the goal of the new GW well test (SIMW-4) and continued biannual sampling of the baseline GW monitoring network during post closure.

Until recently, traces of several volatile organic compounds (VOCs) typical of leachate degradation products, including hazardous carcinogenic trichloroethane, have been detected as GW contaminants during most sampling events in the monitoring well network that intercepts the

uppermost aquifer along the northeastern flank. Consistent long-term nondetection of ANY leachate-associated contaminants throughout the GW monitoring network must be fully demonstrated by contiguous sampling to document permanent mitigation of the potential for release of hazardous constituents to the uppermost aquifer beneath the site—unapproved breaks in sampling will not be accepted and will erase your accumulated compliance with the required “contiguous” terms. The recent break in GW contaminant statistics is unfortunate.

Consequently, at least two GW monitoring wells (currently SIMW-2 and -3) will be sampled biannually to maintain the baseline post-closure contaminant detection network. If necessary based on sampling, the new GW well (SIMW-4) may also be added to the post-closure monitoring network. Due to the latest break in the regular spring 2002 sampling, the start date for the required demonstration for contiguous nondetection is now referenced to the Fall 2002 sampling event wherein no leachate constituents were detected. Any detection of leachate-associated contaminants also re-initializes the contiguous demonstration start date.

We stated (Crowley letter, 12/28/01; meeting 2/4/02; letter 2/6/02) that you may petition the DEQ for appropriate changes to the baseline post-closure monitoring network only after a sufficient period of both GW contaminant and methane gas nondetection are demonstrated throughout the network during the early post-closure period. Landfill gas often contributes to GW contamination when VOC gases are dissolved by contact with the water table.

Continued closure and post-closure monitoring of the GW network according to the regular biannual Spring-Fall schedules in the approved Groundwater Monitoring (GWMP) and Sampling & Analysis (SAP) Plans—as initiated in the Fall 2002 by Damschen after the Spring sampling hiatus—is required to correct the GW monitoring noncompliance. The GWMP must be updated and approved prior to dropping SIGW-1 from the network and prior to regular biannual sampling of the new monitoring well (SIMW-4) after its completion. You must now submit for approval all remaining GW monitoring materials by May 31, 2003, and complete construction of SIMW-4 and the piezometer according to the submitted Final Schedule. Any unapproved breaks in GW monitoring will lead to a major violation, immediate enforcement, and potential legal action.

LANDFILL GAS MONITORING

Comments: Failure to provide adequate 2002 methane monitoring.

ARM 17.50.511(1)(g) Owners or operators of all Class II landfill units must implement a department approved routine methane monitoring program that ensures that the standards of (f) of this subsection are met and that meets the following requirements:

- (i) The type and frequency of monitoring must be determined based on the following factors:
 - (A) Soil conditions;
 - (B) The hydrogeologic conditions surrounding the facility;
 - (C) The hydraulic conditions surrounding the facility; and
 - (D) The location of facility structures and property boundaries.
- (ii) The minimum frequency of monitoring must be quarterly;

Description of noncompliance: Right after our negotiations at the 2/4/02 meeting, the first three quarters of the required methane monitoring of the existing methane monitoring wells (SIG-1, -2, -3, and -4) were skipped without notifying or obtaining prior approval from DEQ as required.

A minimum of at least three methane monitoring wells (SIG-1, -2, and -4) must be monitored quarterly to maintain the baseline post-closure methane monitoring network. If you choose to drop monitoring well SIG-3, we recommend that you continue regular monitoring of methane gas levels in the buildings at the southeast corner of the site to ensure the safety of you and your employees.

Methane gas observations at the methane monitoring probes SIG-1 and SIG-2, on the northwest and southwest margins of the waste boundary, have approached or exceeded the regulatory LEL action level until recently, when production of methane appears to have leveled off since operations ceased on 10/30/00. Because methane gas has exceeded the LEL in the past, the landfill must provide post-closure quarterly methane monitoring, perhaps throughout the 30-yr post-closure period.

We stated (Crowley letter, 12/28/01; meeting 2/4/02; letter 2/6/02) that you may petition the DEQ for appropriate changes to the baseline post-closure monitoring network only after a sufficient contiguous period of low-level methane gas detection is demonstrated throughout the network during the early post-closure period. Landfill gas often contributes to GW contamination when VOC gases are dissolved by contact with the water table; thus methane monitoring will at least be required as long as any GW contaminants are detected in the uppermost aquifer by the GW monitoring system. Encroachment of structures on the landfill boundaries, due to development of adjacent property, could also trigger continued methane monitoring throughout the 30-yr post-closure care period.

Continued closure and post-closure methane monitoring according to the regular quarterly schedules in the approved Methane Monitoring Plan (MMP)—as initiated in the Fall 2002 by Damschen after the three-quarter hiatus—is required to correct the methane monitoring noncompliance. The MMP must be updated and approved prior to dropping well SIG-3 from the methane monitoring network and installation of the new passive-trench monitoring wells. You must now submit for approval all remaining methane control materials by May 31, 2003. Any unapproved breaks in methane monitoring will lead to a major violation, immediate enforcement, and potential legal action.

FINAL CLOSURE REQUIREMENTS

Minor Violation: Failure to complete final closure of approximately 4.6 acres of the Class II landfill footprint, following cessation of operations on 10/30/00.

17.50.530 CLOSURE REQUIREMENTS FOR LANDFILLS (1) Closure criteria for Class II landfills are as follows:

(a) Owners or operators of all Class II landfill units must install a final cover system that is designed to minimize infiltration and erosion. The final cover system must be designed and constructed to:

(i) minimize infiltration through the closed unit by the use of an infiltration layer that contains a minimum 18 inches of earthen material and have a permeability less than or equal to the permeability of any bottom liner, barrier layer, or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less;

(ii) minimize erosion of the final cover by the use of a seed bed layer that contains a minimum of 6 inches of earthen material that is capable of sustaining native plant growth and protecting the infiltration layer from frost effects and rooting damage; and

A minimum of at least three additional monitoring wells (MW-1, -2 and -3) must be installed generally to maintain the baseline groundwater monitoring network. (i) The criteria for an additional MW-1, -2 or -3 are determined by the relative location of the well to the boundary of the proposed project and the relative location of the well to the boundary of the project.

Additional groundwater monitoring wells (MW-1, -2 and MW-3) on the site must be installed and maintained at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.

The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.

The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.

EXISTING MONITORING WELLS

Figure 7.1 shows the location of the existing monitoring wells. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.

1. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.
2. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.
3. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.
4. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.
5. The existing monitoring wells (MW-1, -2 and MW-3) must be installed at the same time as the existing monitoring wells.

(iii) revegetate the final cover with native plant growth within 1 year of placement of the final cover. The department may approve alternative revegetation plant species or an extension in the time requirement for revegetation.

(b) The department may approve an alternative final cover design that includes:

(i) an infiltration layer that achieves reduction in infiltration at least equivalent to the infiltration layer specified in (1)(a)(i) and (ii) above; and

(ii) an erosion layer that provides protection from wind and water erosion equivalent to the erosion layer specified in (1)(a)(ii) and (iii) above.

(c) The owner or operator must prepare a written closure plan that describes the steps necessary to close all landfill units at any point during their active life in accordance with the cover design requirements in (1)(a) or (b) above, as applicable. The closure plan, at a minimum, must include the following information:

(i) a description of the final cover, designed in accordance with (1)(a) or (b) above, and the methods and procedures to be used to install the cover;

(ii) an estimate of the area of the Class II landfill that the department determines to be the largest active portion in the facility requiring a final cover as required under (1)(a) above during the active life of the facility;

(iii) an estimate of the maximum inventory of wastes ever on-site over the active life of the landfill facility; and

(iv) a schedule for completing all activities necessary to satisfy the closure criteria in (1)(a) above.

(d) The owner or operator must submit a closure plan to the department for approval and place it in the operating record no later than October 9, 1993, or at the time of application for

Description of violation: In the absence of a Notice of Intent to Close from Sanitation Inc., operations ceased at the facility on 10/30/00 after Mr. Ugrin, Esq., responded to DEQ demands for closure. On February 12, 2003, you submitted through Mr. Damschen a late "work-plan schedule" (see enclosed "Final Schedule") that proposes to complete the closure activities well more than one year after the agreed final June 30, 2002, deadline. With the exception of the baseline post-closure FA deadline, this "Final Schedule" must be met as provided. Please make the corrections to the Closure Plan as listed in the NOD. You must now submit for approval all remaining closure materials by May 31, 2003.

POST-CLOSURE CARE

Comments: No Post-Closure Plan updates or schedules for updates were provided in your proposed "Final Schedule" or latest submittals.

ARM 17.50.531 (1) Post closure care for Class II landfills:

(a) Following closure of each Class II landfill unit, the owner or operator must conduct post-closure care. Post-closure care must be conducted for 30 years, except as provided under (b) below, and consist of at least the following:

(i) maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;

(ii) maintaining and operating the leachate collection system in accordance with the requirements in ARM 17.50.506. The department may allow the owner or operator to stop managing leachate if the owner or operator demonstrates that leachate no longer poses a threat to human health and the environment;

(iii) monitoring the ground water in accordance with the requirements of ARM Title 17, chapter 50, subchapter 7, and maintaining the ground water monitoring system, if applicable; and

(iv) maintaining and operating the gas monitoring system in accordance with the requirements of ARM 17.50.511.

(b) The length of the post-closure care period may be:

(i) decreased by the department if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this demonstration is approved by the department; or

(ii) increased by the department if the department determines that the lengthened period is necessary to protect human health and the environment.

(c) The owner or operator of all Class II landfill units must prepare a written post-closure plan that includes, at a minimum, the following information:

(i) a description of the monitoring and maintenance activities required in (a) above for each Class II landfill unit, and the frequency at which these activities will be performed;

(ii) name, address, and telephone number of the person or office to contact about the facility during the post-closure period; and

(iii) a description of the planned uses of the property during the post-closure period. Post-closure use of the property must not disturb the integrity of the final cover, liner(s), or any other components of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in these rules. The department may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

(d) The owner or operator must submit to the department a post-closure plan for approval and place a copy of that plan in the operating record no later than October 9, 1993, or by the initial receipt of waste, whichever is later.

(e) Following completion of the post-closure care period for each Class II landfill unit, the owner or operator must submit to the department a certification, signed by an independent registered professional engineer for approval by the department, verifying that post-closure care has been completed in accordance with the post-closure plan. A copy of the approved document must be placed in the operating record.

(2)(a) The department hereby adopts and incorporates by reference:

(i) the ground water monitoring requirements contained in ARM Title 17, chapter 50, subchapter 7; and

(ii) ARM 17.50.511, containing requirements for maintaining and operating gas monitoring systems.

Description of noncompliance: Please submit a fully updated and complete Post-closure Plan that adequately details all required activities such that it provides a clear agreement for all systems maintenance and monitoring and a clear basis for annual baseline post-closure cost estimates throughout the full 30-year post-closure care period. You must now submit for approval all remaining post-closure materials by May 31, 2003.

EXHIBIT A:
SANITATION, INC. CLASS II LANDFILL
FINAL CLOSURE COMPLIANCE DEADLINES
AND REQUIREMENT FOR CONSENT AGREEMENT ON
POST-CLOSURE FINANCIAL ASSURANCE (FA)

Due to (i) long-term and ongoing closure violations, (ii) 2001 and 2002 monitoring failures, (iii) protracted delays in meeting the 2/4/02 compliance agreements and the agreed 6/30/02 final compliance date, (iv) nondisclosure of 2001 and 2002 FA nonpayments, and (v) long-term and ongoing failure to provide adequate net baseline post-closure FA coverage, Sanitation, Inc. must meet the following Final Compliance Requirements to avoid stronger enforcement action by the Department:

1. Facility closure construction activities must comply with the enclosed Final Schedule (Damschen, 2/10/03) for closure design approval and construction, which will mitigate the standing final closure violation once final closure is approved.
2. Facility GW-monitoring-well construction activities must comply with the enclosed Final Schedule (Damschen, 2/10/03) for approved final post-closure FA adjustments to groundwater monitoring costs after evaluation of the new groundwater monitoring well and the sampling requirements. Final approval of the full post-closure FA will depend on the outcome of this evaluation and full FA coverage for monitoring well SIMW-4 is due December 31, 2003.
3. All baseline post-closure current-dollar cost estimates and FA coverage mechanism(s) required to fully cover all baseline third-party post-closure costs over the 30-yr post-closure care period must be submitted for final review to DEQ by May 31, 2003. All approved FA mechanisms that provide complete coverage of all baseline post-closure FA costs must be finalized by June 30, 2003. The minimum balance due to cover all baseline post-closure FA costs over the 30-year post-closure care period is \$297,000 net present value; the minimum number of baseline down-gradient GW monitoring RPOC wells is reduced from three to two wells (selected by DEQ from SIMW-2, -3, or -4 based on performance and contaminant history) and the minimum number of methane monitoring wells is reduced from four to three.
4. All other post-closure GW and methane monitoring adjustments beyond those addressed in parts 2 and 3 will be discussed after (i) final post-closure FA coverage is established, (ii) contiguous nondetection of GW contaminants and methane is demonstrated during early post-closure monitoring (at least three years), and (iii) a fully documented petition for reduction or cessation of monitoring is submitted for approval.
5. Sanitation, Inc. must reach a written consent agreement with DEQ on the final baseline post-closure FA deadlines as stipulated herein by June 15, 2003, after Department approval of proposed post-closure FA costs and FA mechanisms (see #3 above). Norm Mullen, DEQ attorney, will contact you regarding the required consent agreement.

Any failure by Sanitation, Inc., to meet any element of each of these Final Compliance Requirements (sections #1 through #5 above) may cause DEQ to seek immediate legal or judicial action to guarantee their completion. All schedules required to complete the remaining tasks are final and may not be extended without prior DEQ approval. DEQ will respond where appropriate, and delays due to any last minute or late submittals by Sanitation, Inc. do not change the final compliance deadlines now established in the required sequence of tasks.

Date: 10/22/03
Time: 1:30 pm

SOLID WASTE MANAGEMENT SYSTEM CLOSURE INSPECTION FORM

Facility Name: Sanitation Inc License Number: 196
Owner/Operator: _____ Phone: _____
Address: Lewistown City: _____ STATE: _____
General Site Location: _____
Landfill Representative(s): Bill Spojz on site (had to leave quickly)
DEQ Inspector: Tim Stepp

AREAS OF REGULATORY COMPLIANCE

Compliance Issue:

- | | Yes/No |
|--|--------|
| (1) Minimum 18-Inch Infiltration Layer on All Wastes | ___/X |
| (2) <u>Infiltration Layer</u> Meets Minimum Permeability Standards | ___/X |
| (3) Minimum 6-Inch Erosion Layer on All Wastes | ___/X |
| (4) Run-On/Run-Off Controlled | ___/X |
| (5) Site Revegetated Within 1 Year of Placement of Final Cover | ___/X |
| (6) Access to Site Controlled | X/___ |
| (7) Written Closure Plan on File and Approved | ___/X |
| (8) Notice of Intent to Close on File | X/___ |
| (9) Closure Activities 30 Days After Final Acceptance of Waste | ___/X |
| (10) Closure Activities Complete 180 Days After Beginning of Closure | ___/X |
| (11) Certification by Registered Engineer On File | ___/X |
| (12) Based on Inspection, DEQ Considers Site Closed | ___/X |
| (13) Record of Notation on Deed in Operating Record | ___/X |
| (14) Other <u>Post-closure FA complete (PCFA)?</u> | ___/X |

NOTES: Had agreement to complete closure work + PCFA by 6/30/02.
Inspection indicates that tasks neither started nor completed
(panoramic photos on file). Closure cap incomplete on approx W-half
of large footprint. New piezometers on NW boundary not completed.
GW monit plan & post-closure care plans not updated. No submittal
of final cover design or post-closure FA mechanism submitted on file.
Bill said that he expected to submit by 12/31/02.

Tim Stepp

Time Left Site: 2:30 am/pm

Date: 1/25/03
Time: 1:30 pm

Department of Environment
Waste Management Division
Waste Management Section
P.O. Box 209201
Atlanta, Georgia 30320-0901
404-444-4400

WASTE MANAGEMENT SYSTEMS INSPECTION FORM

Facility Name: Sanitation Inc.
Address: Levinston
City: Levinston
State: GA
County: Levinston
Federal Site Location: Levinston

Inspector: Tim Stepp
Facility Representative(s): Bill Gajz on site (had to leave quickly)

STATE OF GEORGIA COMPLIANCE

- ☒ Minimum 18-Inch infiltration layer on all wastes
- ☒ Infiltration layer meets minimum permeability standards
- ☒ Minimum 6-Inch Benton layer on all wastes
- ☒ Run-on/run-off controlled
- ☒ Site revegetated within 1 year of placement of final cover
- ☒ Access to site controlled
- ☒ Written Closure Plan on file and approved
- ☒ Notice of Intent to Close on file
- ☒ Closure Activities to begin after final acceptance of waste
- ☒ Closure Activities Complete 180 Days After Beginning of Closure
- ☒ Certification by Registered Engineer on file
- ☒ Record of Inspection, DRC Conditions Site Closed
- ☒ Record of Action as Based on Operating Record
- ☒ Other: Post-closure FA complete (1/17/03)

Notes: Had agreement to complete closure work + PCFA by 2/3/03
Inspection indicates that tasks further started was completed
permeable plastic on file. Closure cap incomplete on 5/17/03. W-1/1
of large footprint. New piezometers on W-1/1 installed. No additional
W-1/1 plan 2 post-closure cap plans not updated. No additional
of final cover design in post-closure FA mechanism. W-1/1 on file.
Will said that he expected to submit by 12/31/03.

Inspector: Tim Stepp
Time Left Site: 2:30
Page: 1



Montana Department of
ENVIRONMENTAL QUALITY

COPY

Judy Martz, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

February 6, 2002

Mr. William A. Spoja, Jr.
Sanitation, Inc.
P.O. Box 882
Lewistown, MT 59457-0882

**RE: MEETING SUMMARY
SANITATION INC. CLASS II LANDFILL (Lic. #196)**

Dear Mr. Spoja:

On February 4, 2002, we met with you and your representatives, Mr. Neil Ugrin, Esq., Mr. Barry Damschen, P.E., and Mr. Bruce Siegmund, to discuss your proposed plans for construction of the final cover, post-closure care, and financial assurance at the Sanitation Inc. facility (Landfill) in Lewistown, Fergus County, Montana. The basic agreements reached during the meeting are summarized below.

ALTERNATIVE WATER-BALANCE CAP

1. *In order to test the proposed final-cover (FC) borrow, at least five representative samples must be taken across the FC borrow area to determine a range of water-holding capacities. One complete grain-size analysis will be provided as an index for one of the samples.*

POST-CLOSURE CARE

2. *Approval was granted to abandon ground-water monitoring well SIMW-1 at the northeast corner. The landfill must replace SIMW-1 with a new RPOC down-gradient ground-water monitoring well (SIMW-4) located adjacent to the stormwater pond on the central northern margin of the waste boundary. A piezometer will be completed on the other side of the pond, once the SIMW-4 site is selected, but it will not be sampled regularly. The SIMW-4 sample frequency will be determined by the data obtained on the concentration of contaminants. It is anticipated that the Landfill will complete this work and the final-cover sampling before March 30, 2002. Entranco and Mr. Damschen agreed to coordinate the work schedule with DEQ personnel, who will be present on site during the work.*
3. *Passive methane-gas control and venting structures will not be required in the initial final-cover design. However, if methane gas levels increase to the LEL again, such structures may be required at a later date.*
4. *The Landfill must continue quarterly methane and at least semi-annual ground-water monitoring throughout the 30-yr post-closure period. It was agreed that DEQ would look into the possibilities for reducing the monitoring frequency for ground water and methane.*

COPY

Michigan Department of
ENVIRONMENTAL QUALITY



Michigan Department of Environmental Quality

P.O. Box 30000 • Lansing, MI 48906-0000 • (517) 373-3000 • FAX: (517) 373-3001

February 6, 1991

Mr. William A. Spivey, Jr.
Sanitation, Inc.
P.O. Box 181
Lansing, MI 48901-0181

RE: MEETING SUMMARY
SANITATION INC. CLASS II LANDFILL (1-2-89)

Dear Mr. Spivey:

On February 4, 1991, we met with you and your representatives, Mr. Neil Light, Ed, Mr. Barry
Dunham, P.E., and Mr. Thomas K. Sigurdson to discuss your proposed plans for construction of the
first cover, post-closure care, and financial assurance at the Sanitation Inc. Landfill (1-2-89) in
Lansing, Michigan. The meeting was held at the Lansing office of the Michigan Department of
Environmental Quality.

ALTERNATE WATER-BALANCE CAP

It was noted that the proposed final cover (FC) design, at least for the water-balance cap, may
not be sufficient to ensure the FC design meets the required water-balance design. It was
agreed that the Michigan Department of Environmental Quality will be providing the water-balance design.

POST-CLOSURE CARE

It was noted that the proposed post-closure care design, at least for the water-balance cap, may
not be sufficient to ensure the FC design meets the required water-balance design. It was
agreed that the Michigan Department of Environmental Quality will be providing the water-balance design.

It was noted that the proposed post-closure care design, at least for the water-balance cap, may
not be sufficient to ensure the FC design meets the required water-balance design. It was
agreed that the Michigan Department of Environmental Quality will be providing the water-balance design.

It was noted that the proposed post-closure care design, at least for the water-balance cap, may
not be sufficient to ensure the FC design meets the required water-balance design. It was
agreed that the Michigan Department of Environmental Quality will be providing the water-balance design.

"FINAL SCHEDULE"

ORIGINAL

BARRY DAMSCHEN CONSULTING

5531 York Road • Helena, MT 59602

Phone (406) 443-2938

Fax (406) 449-6140

(except FA)

February 10, 2003

RECEIVED

Rick Thompson
Montana Dept. of Environ. Quality
P.O. Box 200901
Helena, MT 59620-0901

FEB 12 2003

MONTANA
DEPT. OF ENVIRONMENTAL QUALITY
COMMUNITY SERVICES BUREAU

Re: Sanitation Inc. Landfill Schedule

Dear Rick:

At your request I am providing the following anticipated schedule as a follow up to our meeting held on December 23, 2003.

TASK CLOSURE OF LANDFILL

ESTIMATED MAXIMUM TIME FRAME (Year 2003)

- | | |
|---|-------------------|
| 1. Prepare Closure Plans | Jan. 1 - Feb. 28 |
| 2. Submit Plans to DEQ | March 1 |
| 3. DEQ Review and Submit Comments | March 1 - 31 |
| 4. Finalize Plans & Re-Submit to DEQ | April 1 - 15 |
| 5. DEQ Issues Approval of Plans | April 16 - 30 |
| 6. Closure Cap Installed | May 1 - July 30 |
| 7. QA/QC Report Prepared & Submitted to DEQ | Aug. 1 - 31 |
| 8. Seeding of Cap | Sept. 1 - Oct. 15 |
| 9. DEQ Approve Closure | Oct. 16 - 31 |

TASK HYDROGEOLOGY

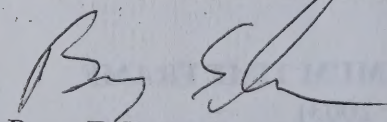
ESTIMATED MAXIMUM TIME FRAME (Year 2003)

- | | |
|---|----------------|
| 1. 4 th Quarter Monitoring | Oct. 26 (2002) |
| 2. Meeting on Schedule, Etc. | Dec. 23 (2002) |
| 3. Submittal of Statistical Analysis to DEQ for 4 th Quarter 2002 Monitoring Event | Jan. 24 |

4. 1st Quarter Methane Monitoring Feb. 1 - 15
5. DEQ, Sanitation Inc. & Consultants Meet April 15 - May 15
on Site to Review Re-Location of
Existing Well & Finalize New
Groundwater Monitoring Plan
6. 2nd Quarter Methane & Groundwater May 15 - June 1
Sampling of Existing Wells
7. Submittal of Statistical Analysis of 2nd Aug. 15
Quarter Monitoring to DEQ
8. Installation of Relocated Well May 15 - Sept. 1
9. 3rd Quarter Methane Monitoring Aug. 1 - Sept. 15
10. 4th Quarter Methane & Groundwater Oct. 15 - Nov. 1
Sampling of Existing and/or Relocated
Well
11. Submittal of Statistical Analysis of 4th Dec. 15
Quarter monitoring to DEQ
12. Finalize Groundwater Sampling Plan Dec. 15 - Dec. 31
13. Prepare Up-Dated Cost Estimate for Post Dec. 31
Closure Care & Monitoring & Submit to
DEQ

I hope this schedule accurately summarizes the conversation that we had on December 23, 2002. If you have any questions or do not agree with this schedule, please contact me as soon as possible. I know Bill Spoja and your Department are anxious to "put this landfill to bed" and therefore it is important to agree on the scope of work and schedule and correspondingly meet each deadline. I look forward to your response and assistance to meet or beat this schedule.

Very truly yours,
BARRY DAMSCHEN CONSULTING, LLC


Barry E. Damschen, P.E.
Project Manager

cc: Sanitation Inc.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WILLIAM A SPOJA
SANITATION INC
PO BOX 882
LEWISTOWN MT 59457

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) M.H. Spojia B. Date of Delivery MAY 9 1999

C. Signature Mary Helen Spojia ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7001 1940 2006 3564 3012

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box

DEPT OF ENVIRONMENTAL QUALITY
SOLID WASTE PROGRAM
PO BOX 200901
HELENA MT 59620-0901

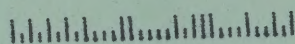
RECEIVED

MAY 20 2003

MONTANA

SW

DEPT. OF ENVIRONMENTAL QUALITY
COMMUNITY SERVICES BUREAU



INITIALS TS DATE 3/22/03
SW OUTGOING CORRESPONDENCE

NEW APPLICATION Initial / Date
Janet H _____
Rick T _____
HAC _____

INSPECTIONS Initial / Date
Pat C _____
Janet H _____
Rick T _____
HAC _____

☒ CLOSURES Initial / Date
Pat C EPC 15/5
Janet H JA 5/6/
Rick T R 5/13/03
~~HAC~~ Norm M. 5/6/03 NM

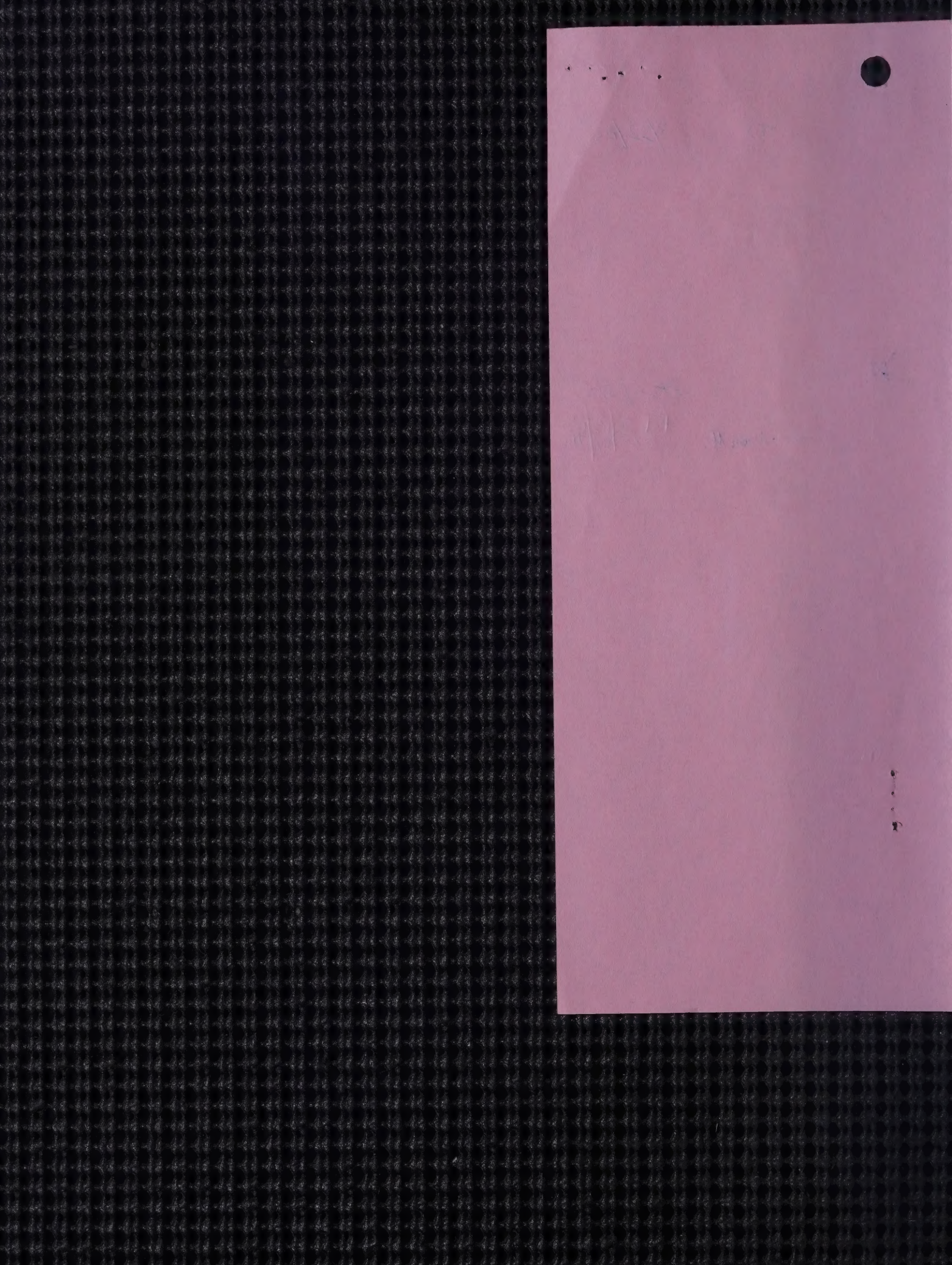
FEES Initial / Date
Janet H _____
Rick T _____
HAC _____

COMPLAINTS Initial / Date
Pat C _____
Janet H _____
Rick T _____
HAC _____

GROUND WATER Initial / Date
Pat C _____
Janet H _____
Rick T _____

GEN CORRESPONDENCE Initial / Date
Pat C _____
Janet H _____
Rick T _____

MISCELLANEOUS Initial / Date



SOLID WASTE

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

SANITATION INC.
BILL SPOJA
PO BOX 692
LEWISTOWN MT 59547

4a. Article Number

Z 202 875 133

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-12-99

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

[Handwritten Signature]

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box. •

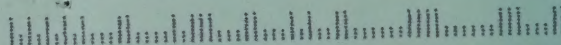
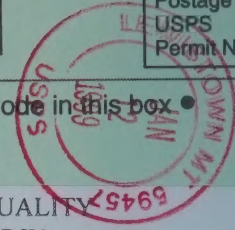
RECEIVED

JAN 13 1999

MONTANA

DEPT. OF ENVIRONMENTAL QUALITY
COMMUNITY SERVICES BUREAU

DEPT OF ENVIRONMENTAL QUALITY
PERMITTING & COMPLIANCE DIV
SOLID WASTE PROGRAM
PO BOX 200901
HELENA, MT 59620-0901



Z 202 875 133



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to **SANITATION INC.**
BILL SPOJA

Street and No.
PO BOX 692

P.O., State and ZIP Code
LEWISTOWN MT 59547

Postage	\$
---------	----

Certified Fee	
---------------	--

Special Delivery Fee	
----------------------	--

Restricted Delivery Fee	
-------------------------	--

Return Receipt Showing to Whom & Date Delivered	
--	--

Return Receipt Showing to Whom, Date, and Addressee's Address	
--	--

TOTAL Postage & Fees	\$
-------------------------	----

Postmark or Date

JAN 11, 1999

PS Form 3800, March 1993

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

PS Form 3800, March 1993 (Reverse)

INITIALS

DATE

12/21/98

SOLID WASTE OUTGOING CORRESPONDENCE ROUTE SLIP (ONLY)☐ **NEW APPLICATION**

Initial / Date

Rick T.
Pat C.
Nancy (Proof)
Cathy
Jon D.

☐ **NEW LICENSE**

Initial / Date

Rick T.
Pat C.
Nancy (Proof)
Carol
Cathy
Jon D.

☐ **HEALTH OFFICER CARD**

Initial / Date

Rick T.
Carol
Cathy

☒ **INSPECTIONS**

Initial / Date

Pat C.
Nancy (Proof)
Carol
Jon D.

1/11/99
ND 12/22/98
CU 1-19-99

☐ **INTERIM CLOSURES**

Initial / Date

Rick T.
Pat C.
Nancy (Proof)
Carol
Cathy
Jon D.

☐ **CLOSURES**

Initial / Date

Rick T.
Pat C.
Nancy (Proof)
Carol
Cathy
Jon D.

☐ **CHANGE IN LICENSE
FOR FEE STATUS**

Initial / Date

Rick T.
Pat C.
Nancy (Proof)
Cathy

☐ **COMPLAINTS**

Initial / Date

Pat C.
Nancy (Proof)
Carol (filing & DBase)

☐ **GROUND WATER**

Initial / Date

Nancy (Proof)
Pat C

☐ **GENERAL CORRESPONDENCE**

Initial / Date

Pat C. / Rick T.
Nancy (Proof)
Jon D. (As Needed)
Mark Steger Smith (As Needed)

☐ **MISCELLANEOUS**

Initial / Date

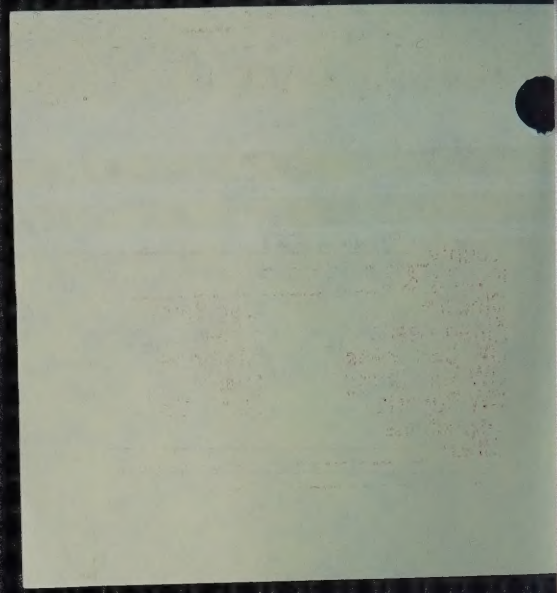
MAILED
1/11/99 ND

☐ **FILE**

WATTEL

N.H.

County Fergus
Facility & # Sanitation Inc 291
Closure Landfarm
Finan Assur Liner
GW Corr Meas Methane
GW Monitoring O & M
GW Reports Run - On
Inspections
Other: _____



Copy left @ landfill.
Letter

Date: 6/11/99

Time of Arrival: 2:25 p

Time of Departure: 3:20 p

Total Hours: 1

SOLID WASTE MANAGEMENT SITE/SYSTEM - ON-SITE OBSERVATION FORM
(This is not the Notice of Violation mentioned in Section 75-10-227, MCA)

Facility Name Sanitation Inc License No. _____
Solid Waste Management Site/System Description Class II Landfill
Location East of Lewistown
Owner Wm. Spots /dba Sanitation Inc Phone _____
Address _____ City Lewistown, MT _____
Operator Same Phone _____
Address _____ City _____, MT _____
Landfill Representative(s) Present Ed Gallagher Title Manager
Traci Title operator
DEQ Representative(s) Present Pat Crowley Title _____
Title _____

(Answer all questions; mark N/A if not applicable; please print)

A. General Operational and Maintenance Requirements

Yes No N/A

1. Operational Records located where? Office
2. Dumping confined to a manageable area? [ARM 17.50.510(4)] ☒
3. Refuse properly covered after each operating day? [ARM 17.50.511(1)(a)] ☒
 - a) Alternative Daily Cover in use? [ARM 17.50.511(1)(a)] ☒
 - b) If so, what kind? ☒
4. If a Class III landfill, covered at least quarterly? [ARM 17.50.511(2)] ☒
5. Daily Spreading and compaction of refuse adequate? [ARM 17.50.511(1)(a)] ☒
6. Depth, spreading, and grading of intermediate cover adequate? [ARM 17.50.511(1)(a)] ☒
7. Final cover on filled areas? [ARM 17.50.530(1)(a)] see note
8. Rodents and insects controlled? [ARM 17.50.510(7)] ☒
9. Blowing litter controlled? [ARM 17.50.510(6)] ☒
10. Access to site controlled? [ARM 17.50.510(4) and (5)] ☒

Sign(s) ☒ Gate(s) ☒ Fences(s) [ARM 17.50.511(1)(c)] ☒ Supervision ☒

(Check all that apply)
11. Approach road properly maintained? [ARM 17.50.505(1)(b)] ☒
12. Solid Waste Management facility equipment visible on-site? ☒
 - a) If so, what kind(s) Bomage
13. Salvaging going on? [ARM 17.50.510(8)] ☒
 - a) Approved salvaging plan on-file with DEQ? ☒
14. What method is used to measure waste volumes? [ARM 17.50.511(1)(c)] Est land vol.

a) How often is volume measured? _____

NOTES: Final cover on about 1/2 of permitted area
Waste still being placed west of section line.
Rainy weather has slowed cover placement.
Daily cover improved.
Spot check inspection since I had to be
in Lewistown on other business.

Fal

BRIEF SUMMARY OF THE RULES AND REGULATIONS GOVERNING SOLID WASTE DISPOSAL IN MONTANA

ARM = Administrative Rules of Montana
Department = Montana Department of Environmental Quality
MSWLF = Municipal solid waste landfill
NESHAP = National Emission Standards for Hazardous Air Pollutants

CFR = Code of Federal Register
MCA = Montana Code Annotated
MSWMA = Montana Solid Waste Management Act

A. General Operational and Maintenance Requirements

ARM 17.50.505(1)(b) Where public use or year round access is contemplated, access roads and bridges must be capable of supporting loaded vehicles during all types of weather.

ARM 17.50.510(4) Dumping of solid waste must be confined to areas within the disposal facility that can be effectively maintained and operated in accordance with this subchapter. This must be controlled by supervision, fencing, signs or similar means approved by the department.

ARM 17.50.510(5) Owners or operators of all solid waste management systems must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

ARM 17.50.510(6) Effective means shall be taken to control litter at solid waste storage and disposal facilities.

ARM 17.50.510(7) Owners or operators of all solid waste management systems must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

ARM 17.50.510(8) Salvaging of materials at all facilities is expressly prohibited unless the owner or operator demonstrates to the department's satisfaction that it can be done in a manner protective of human health and the environment.

ARM 17.50.511(1)(a) All Class II facilities using landfilling methods shall compact and cover solid waste with a layer of at least 6 inches of approved earth cover material at the end of each operating day or at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. Alternative daily cover materials such as geotextile fabrics, foams, compost, or other materials may be used in place of the 6 inches of approved earthen cover material only when approved by the department. The use of alternative daily cover materials must be done under a plan of operations approved of in advance by the department. The plan of operations for the use of alternative daily cover materials must include provisions for the application of 6 inches of approved earthen cover material at least once per week. The owner or operator must demonstrate to the department that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. Any portion of a Class II landfill unit that will not receive additional waste within 90 days must have an intermediate cover of at least 1 foot of approved earthen materials. These steps must be taken unless the department is satisfied that the licensee has shown good cause for not covering.

ARM 17.50.511(1)(c) Landfills must be fenced to prevent unauthorized access and must be supervised when open.

ARM 17.50.511(1)(d) Where transfer stations are utilized as part of a management system for Group II solid wastes, all containers must be maintained and kept in a sanitary manner and emptied at least once a week.

ARM 17.50.511(1)(o) Class II landfill facilities must weigh or otherwise accurately record all volumes of waste entering the facility.

ARM 17.50.511(2) Although Class III landfills are not required to cover wastes in disposal areas by earth materials daily, the wastes must be covered at least quarterly with 6 inches of a department approved earthen cover material.

ARM 17.50.530(1)(a) Owners or operators of all Class II landfill units must install a final cover system that is designed to minimize infiltration and erosion. . . .

Section 75-10-221(1), MCA (MSWMA) . . . no person may dispose of solid waste or operate a solid waste management system without a license from the department.

Section 75-10-227(1), MCA (MSWMA) When the department believes that a violation of part 1 or this part, a violation of a rule adopted under part 1 or this part, or a violation of a permit provision has occurred, it may serve written notice of the violation on the alleged violator or his agent. The notice must specify the provision of law, rule, or permit alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order. . . . (For the complete law, please refer to the Montana Solid Waste Management Act.)

B. Ground Water Monitoring Requirements

ARM 17.50.701(2) Compliance with the requirements of this subchapter must be implemented according to the following schedule:

- (a) All new Class II units must be in compliance with this subchapter and initial sampling must be completed before waste can be placed in the unit;
- (b) Existing Class II units and lateral expansions that serve a geographic area with a population of 5,000 or more persons must be in compliance with all requirements of this subchapter and have commenced ground water monitoring by October 9, 1993; and
- (c) Existing Class II disposal units and lateral expansions that serve a geographic area with a population of 4,999 persons or less, except those meeting the requirements of ARM 17.50.506(16), must comply with this subchapter according to the following schedule:
 - (i) Existing Class II disposal units and lateral expansions less than 1 mile from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1994;
 - (ii) Existing Class II disposal units and lateral expansions greater than 1 mile but less than 2 miles from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1995;
 - (iii) Existing Class II disposal units and lateral expansions greater than 2 miles from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1996.

ARM 17.50.706(1) The background ground water quality monitoring well(s) must be located so as to monitor the quality of ground water representative of the ground water passing the relevant point of compliance that has not been affected by leakage from the unit. At least 1 background water quality monitoring well is required at all





Cops left @ Landfill
No letter.

Date: 4/13/99

Time of Arrival: 845

Time of Departure:

Total Hours:

SOLID WASTE MANAGEMENT SITE/SYSTEM - ON-SITE OBSERVATION FORM
(This is not the Notice of Violation mentioned in Section 75-10-227, MCA)

Facility Name Sanitation Inc License No. _____

Solid Waste Management Site/System Description Class II

Location E. of Lewistown

Owner Sanitation Inc Phone _____

Address _____ City Lewistown, MT MT

Operator Sam Phone _____

Address _____ City _____, MT _____

Landfill Representative(s) Present Pat Crowley Title Reg. Program Mgr.

DEQ Representative(s) Present Cindy Title _____

A. Gallagher Title Mgr.

(Answer all questions; mark N/A if not applicable; please print)

A. General Operational and Maintenance Requirements

Yes No N/A

1. Operational Records located where? Office
2. Dumping confined to a manageable area? [ARM 17.50.510(4)]
3. Refuse properly covered after each operating day? [ARM 17.50.511(1)(a)] See below ① ✓
- a) Alternative Daily Cover in use? [ARM 17.50.511(1)(a)]
- b) If so, what kind?
4. If a Class III landfill, covered at least quarterly? [ARM 17.50.511(2)]
5. Daily Spreading and compaction of refuse adequate? [ARM 17.50.511(1)(a)] See below ① ✓
6. Depth, spreading, and grading of intermediate cover adequate? [ARM 17.50.511(1)(a)]
7. Final cover on filled areas? [ARM 17.50.530(1)(a)] See note ② ✓
8. Rodents and insects controlled? [ARM 17.50.510(7)] ✓
9. Blowing litter controlled? [ARM 17.50.510(6)] Minor see note ③ ✓
10. Access to site controlled? [ARM 17.50.510(4) and (5)]
Sign(s) ✓ Gate(s) ✓ Fences(s) [ARM 17.50.511(1)(c)] ✓ Supervision ✓
(Check all that apply)
11. Approach road properly maintained? [ARM 17.50.505(1)(b)] ✓
12. Solid Waste Management facility equipment visible on-site?
a) If so, what kind(s) Scraper, Wagner compactor
13. Salvaging going on? [ARM 17.50.510(8)] ✓
- a) Approved salvaging plan on-file with DEQ?
14. What method is used to measure waste volumes? [ARM 17.50.511(1)(c)] visual est

a) How often is volume measured?

NOTES: ① Needs better cover on side slopes, cover a bit thin inspts.
② Final cover not complete on old area
③ Litter picker working, windy minor blowing litter.
④ Operation continues outside of licensed area.

BRIEF SUMMARY OF THE RULES AND REGULATIONS GOVERNING SOLID WASTE DISPOSAL IN MONTANA

ARM = Administrative Rules of Montana
Department = Montana Department of Environmental Quality
MSWLF = Municipal solid waste landfill
NESHAP = National Emission Standards for Hazardous Air Pollutants

CFR = Code of Federal Register
MCA = Montana Code Annotated
MSWMA = Montana Solid Waste Management Act

A. General Operational and Maintenance Requirements

ARM 17.50.505(1)(b) Where public use or year round access is contemplated, access roads and bridges must be capable of supporting loaded vehicles during all types of weather.

ARM 17.50.510(4) Dumping of solid waste must be confined to areas within the disposal facility that can be effectively maintained and operated in accordance with this subchapter. This must be controlled by supervision, fencing, signs or similar means approved by the department.

ARM 17.50.510(5) Owners or operators of all solid waste management systems must control public access and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.

ARM 17.50.510(6) Effective means shall be taken to control litter at solid waste storage and disposal facilities.

ARM 17.50.510(7) Owners or operators of all solid waste management systems must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment.

ARM 17.50.510(8) Salvaging of materials at all facilities is expressly prohibited unless the owner or operator demonstrates to the department's satisfaction that it can be done in a manner protective of human health and the environment.

ARM 17.50.511(1)(a) All Class II facilities using landfilling methods shall compact and cover solid waste with a layer of at least 6 inches of approved earth cover material at the end of each operating day or at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. Alternative daily cover materials such as geotextile fabrics, foams, compost, or other materials may be used in place of the 6 inches of approved earthen cover material only when approved by the department. The use of alternative daily cover materials must be done under a plan of operations approved of in advance by the department. The plan of operations for the use of alternative daily cover materials must include provisions for the application of 6 inches of approved earthen cover material at least once per week. The owner or operator must demonstrate to the department that the alternative material and thickness control disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. Any portion of a Class II landfill unit that will not receive additional waste within 90 days must have an intermediate cover of at least 1 foot of approved earthen materials. These steps must be taken unless the department is satisfied that the licensee has shown good cause for not covering.

ARM 17.50.511(1)(c) Landfills must be fenced to prevent unauthorized access and must be supervised when open.

ARM 17.50.511(1)(d) Where transfer stations are utilized as part of a management system for Group II solid wastes, all containers must be maintained and kept in a sanitary manner and emptied at least once a week.

ARM 17.50.511(1)(o) Class II landfill facilities must weigh or otherwise accurately record all volumes of waste entering the facility.

ARM 17.50.511(2) Although Class III landfills are not required to cover wastes in disposal areas by earth materials daily, the wastes must be covered at least quarterly with 6 inches of a department approved earthen cover material.

ARM 17.50.530(1)(a) Owners or operators of all Class II landfill units must install a final cover system that is designed to minimize infiltration and erosion. . . .

Section 75-10-221(1), MCA (MSWMA) . . . no person may dispose of solid waste or operate a solid waste management system without a license from the department.

Section 75-10-227(1), MCA (MSWMA) When the department believes that a violation of part 1 or this part, a violation of a rule adopted under part 1 or this part, or a violation of a permit provision has occurred, it may serve written notice of the violation on the alleged violator or his agent. The notice must specify the provision of law, rule, or permit alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order. . . . (For the complete law, please refer to the Montana Solid Waste Management Act.)

B. Ground Water Monitoring Requirements

ARM 17.50.701(2) Compliance with the requirements of this subchapter must be implemented according to the following schedule:

- (a) All new Class II units must be in compliance with this subchapter and initial sampling must be completed before waste can be placed in the unit;
- (b) Existing Class II units and lateral expansions that serve a geographic area with a population of 5,000 or more persons must be in compliance with all requirements of this subchapter and have commenced ground water monitoring by October 9, 1993; and
- (c) Existing Class II disposal units and lateral expansions that serve a geographic area with a population of 4,999 persons or less, except those meeting the requirements of ARM 17.50.506(16), must comply with this subchapter according to the following schedule:
 - (i) Existing Class II disposal units and lateral expansions less than 1 mile from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1994;
 - (ii) Existing Class II disposal units and lateral expansions greater than 1 mile but less than 2 miles from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1995;
 - (iii) Existing Class II disposal units and lateral expansions greater than 2 miles from a drinking water intake (surface or subsurface) must be in compliance and have commenced ground water monitoring by October 9, 1996.

ARM 17.50.706(1) The background ground water quality monitoring well(s) must be located so as to monitor the quality of ground water representative of the ground water passing the relevant point of compliance that has not been affected by leakage from the unit. At least 1 background water quality monitoring well is required at all

B. Ground Water Monitoring Requirements

Yes No N/A

1. Are the wells sealed at ground level? [ARM 17.50.707(7)(c)] ☒ ☐ ☐
2. Are the wells locked? [ARM 17.50.707(8)] ☒ ☐ ☐

NOTES: Ground water monitoring plan needs revision.
Gulch area not monitored.

C. Leachate Collection Requirements

1. What happens to the leachate? _____
2. How often is it sampled? _____

NOTES: No liner or leachate collection system

D. Burn Pile Management Requirements

Yes No N/A

1. Does site burn untreated wood waste and is it controlled? [ARM 17.50.510(2)] ☐ ☒ ☐
2. Has an Air Quality Bureau permit been issued? [ARM ~~16.8.1307(1)(b)~~ 17.8.612(4)(b)] ☐ ☐ ☐
3. Has burn pile been contaminated? [ARM ~~16.8.1307(1)(b)~~ 17.8.612(4)(b)] ☐ ☐ ☐
- a) If so, with what? _____

NOTES: _____

E. Regulated Hazardous Waste Detection and Disposal Prevention

Yes No N/A

1. Does the municipal solid waste landfill (MSWLF) have an approved regulated hazardous waste and polychlorinated biphenyl (PCB) waste screening program at the facility? [ARM 17.50.511(1)(e)] ☒ ☐ ☐
2. Does the MSWLF perform random inspections? [ARM 17.50.511(1)(e)(i)] ☒ ☐ ☐
- a) How often? _____

NOTES: _____

F. Landfill Gas Monitoring

Yes No N/A

1. Does the MSWLF have an approved methane gas monitoring program? [ARM 17.50.511(1)(g)] ☒ ☐ ☐
2. Department checks conducted on wells? ☐ ☒ ☐
- a) Results? _____

NOTES: Methane gas exceeded outside of lined area.
Letter to follow. No immediate danger to human health.

G. Run-on/Run-off Control Requirements

Yes No N/A

1. Does the MSWLF have a run-on control system? [ARM 17.50.511(1)(j)(i)] ☐ ☐ ☒
2. Does the MSWLF have a run-off control system? [ARM 17.50.511(1)(j)(ii)] ☒ ☐ ☐
3. Does the site have a Montana Pollutant Discharge Elimination System (MPDES) Permit? (ARM 17.30.1301 et seq.) ☐ ☐ ☐

NOTES: both ponds finished.

BRIEF SUMMARY OF THE RULES AND REGULATIONS GOVERNING SOLID WASTE DISPOSAL IN MONTANA -- CONTINUED

facilities. At least 2 background wells must be installed at facilities where statistics will be utilized for ground water quality data evaluation unless it can be demonstrated to the department's satisfaction that a single well will suffice for the statistical test method chosen for ARM 17.50.708.

ARM 17.50.707(7)(c) All monitoring wells must be constructed:

- (c) With grout or other seal material extended down to within 5 feet of the zone being monitored.

ARM 17.50.707(8) All ground water monitoring wells shall have caps to prevent contaminants from entering the monitoring device. All monitoring wells shall have protective outer casings and locking lids. The lids shall be kept locked. The department may require additional protective devices such as rings of brightly colored posts around any monitoring device.

ARM 17.50.723(1) Ground water monitoring at a facility may be waived by the department if the facility owner or operator can demonstrate there is no potential for hazardous constituents to contaminate the uppermost aquifer.

C. Leachate Collection Requirements

ARM 17.50.506(1)(b) New Class II landfill units and lateral expansions must be constructed:

- (b) With a composite liner and a leachate collection system. . . .

D. Burn Pile Management Requirements

ARM 17.50.510(2) Open burning at all facilities is prohibited unless a permit has been obtained from the department.

ARM 16.8.1307(4)(b) The department may issue a conditional air quality open burning permit to dispose of:

- (b) untreated wood waste at a licensed landfill site

ARM 16.8.1307(5)(b) A permit issued under this rule is valid for . . . :

- (b) untreated wood waste at licensed landfill sites -- single burn. A new permit must be obtained for each burn.

E. Regulated Hazardous Waste Detection and Disposal Prevention

ARM 17.50.511(1)(e) Owners or operators of all Class II landfill units must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes or polychlorinated biphenyls (PCB) wastes. This program must include, at a minimum:

- (i) Random inspections of incoming loads unless the owner or operator takes other steps to ensure that incoming loads do not contain regulated hazardous wastes or PCB wastes;
- (ii) Records of any inspections;
- (iii) Training of facility personnel to recognize regulated hazardous waste and PCB wastes

F. Landfill Gas Monitoring

ARM 17.50.511(1)(g) Owners or operators of all Class II landfill units must implement a department approved routine methane monitoring program that ensures that the standards of (f) of this subsection are met and that meets the following requirements:

- (i) The type and frequency of monitoring must be determined based on the following factors:
 - (A) Soil conditions;
 - (B) The hydrogeologic conditions surrounding the facility;
 - (C) The hydraulic conditions surrounding the facility; and
 - (D) The location of facility structures and property boundaries.

G. Run-on/Run-off Control Requirements

ARM 17.50.511(1)(j) Owners or operators of all Class II disposal units must design, construct, and maintain:

- (i) A run-on control system to prevent flow onto the active portion of the landfill during the peak discharge from a 25-year storm;
- (ii) A run-off control system from the active portion of the landfill to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

ARM 17.30.1301 et. seq. The purpose of this subchapter . . . is to establish and implement one common system for issuing permits for point sources discharging pollutants into state waters, and is intended to allow the board and department to administer a pollutant discharge permit system which is compatible with the national pollutant discharge elimination system as established by the US environmental protection agency. . . .

H. Special Waste Handling

Clean Air Act of 1990 Effective July 1, 1992, it shall be unlawful for any person, in the course of maintaining, servicing, repairing, or disposing of any appliance or industrial process refrigeration, to knowingly vent or otherwise knowingly release or dispose of any Class I or Class II substance used as a refrigerant in such appliance (or industrial process refrigeration) in a manner which permits such substance to enter the environment.

H. Special Waste Handling

Yes No N/A

1. White goods stored on-site? ☒
 - a) If so, has CFC removal been documented? (Clean Air Act of November 1990) ☒
 - b) Have refrigerator doors been sealed or disabled? (§ 45-8-113(a), MCA) ☒
 - c) Are White Goods recycled? ☒
 - d) By whom? ☒
 - e) How often are they removed from site? ☒
2. Dead animals accepted? ☒
3. Is asbestos disposed on-site? ☒ *Non Friable*
 - a) If so, is there a special disposal area for it? ☒
 - b) Is a map available? ☒
 - c) Covered with at least six inches of soil? ☒
 - d) If closed, has the disposal site operator informed EPA as to the location and amount of waste deposited? [40 C.F.R. § 61.154(g)] ☒
 - e) If closed, has a notification concerning the presence of asbestos waste been placed on the deed to the property? ☒
4. Does the site landfarm contaminated soils? ☒
 - a) If so, is it part of the approved operations? ☒
 - b) Where is it located? ☒

NOTES:

I. Waste Reduction

Yes No N/A

1. Does the facility recycle? ☒
 - a) What is recycled?
 - Used Oil ☒
 - Aluminum Cans ☒
 - Steel Cans/Scrap Metal ☒
 - Glass ☒
 - Paper ☒
 - Batteries (Wet/Dry Cell) ☒
 - Newspaper ☒
 - Other *cardboard* ☒
 - b) What is the frequency of removal? ☒
 - c) Where are the recyclables taken? ☒
2. Does the facility compost? ☒
 - a) What composting method is used? ☒
 - b) What is composted? ☒
 - c) What is the compost used for? ☒
 - d) Is it contaminated? ☒
3. Does the facility have a household hazardous waste collection area? ☒
 - a) If so, what is collected? ☒
 - b) How often is the material removed and who removes it? ☒
 - c) What is the final disposition of the collected material? ☒

NOTES:

J. Examination of Operation Records [see, ARM 17.50.511(1)(p)]

Yes No N/A

1. Does the MSWLF have weight/volume records on-site? ☒
2. Are ground water monitoring records on-site? [ARM 17.50.709(4)] ☒
 - a) If not, where are they? ☒
 - b) When were the wells last sampled? ☒
 - c) What was it sampled for? ☒

BRIEF SUMMARY OF THE RULES AND REGULATIONS GOVERNING SOLID WASTE DISPOSAL IN MONTANA -- CONTINUED

Section 45-8-113(1)(a), MCA (MSWMA) A person commits the offense of creating a hazard if he knowingly:

- (a) discards in any place where it might attract children a container having a compartment of more than 1½ cubic feet capacity and a door or lid that locks or fastens automatically when closed and cannot easily be opened from the inside and fails to remove the door, lid, or locking or fastening device;

40 CFR § 61.154(g) (NESHAP) Upon closure, comply with all the provisions of § 61.151.

J. Examination of Operation Records

ARM 17.50.511(1)(e) Owners or operators of all Class II landfill units must implement a program at the facility for detecting and preventing the disposal of regulated hazardous wastes or polychlorinated biphenyls (PCB) wastes. This program must include, at a minimum:

- (ii) Records of any inspections;
- (iii) Training of facility personnel to recognize regulated hazardous waste and PCB wastes; and . . .

ARM 17.50.511(1)(p) The owner or operator of a Class II disposal unit must record and retain at the facility or at an alternative location approved by the department, an operating record containing the following information as it becomes available:

- (i) Any location restriction demonstration required under this subchapter;
- (ii) Inspection records, training procedures, and notification procedures required under this subchapter;
- (iii) Gas monitoring results from monitoring and any remediation plans required by this subchapter;
- (iv) Any design documentation for construction or the placement of leachate or gas condensate in a landfill unit as required under this subchapter;
- (v) Any demonstration, certification, finding, monitoring, testing, or analytical data required by department ground water monitoring regulations found in ARM 17.50.701, et seq.;
- (vi) Closure and post-closure care plans and any monitoring, testing, or analytical data required by this subchapter;
- (vii) Any cost estimates and financial assurance documentation required by this subchapter;
- (viii) Any information demonstrating compliance with and approval of the small community exemption; and
- (ix) Any waste quantity records required under this subchapter.

ARM 17.50.709(4) A copy of all plans, reports, studies and other ground water monitoring methods or activities must be supplied to the department and placed in the operating record.

40 CFR 61.154(e)(1) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:

- (1) Maintain waste shipment records . . . including name, address, and telephone number of generator(s) and transporter(s), quantity and condition of waste . . . date of the receipt.
- (2) As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.
- (3) Upon discovering a discrepancy . . . reconcile the discrepancy with the waste generator. . . . If the discrepancy is not resolved within 15 days . . . report in writing to the local, State, or EPA . . . NESHAP program. . . .
- (4) Retain a copy of all records and reports required . . . for at least 2 years.

40 CFR 61.154(f) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

40 CFR 61.154(i) Furnish upon request, and make available during normal business hours for inspection by the Administrator, all records required under this section.

ARM 17.50.410(1) Except as provided in 75-10-214, MCA, no person may dispose of solid waste or operate or maintain a solid waste management system after July 1, 1991 without an operating license from the department. The license period shall be for a base year from July 1 of one year through June 30 of the subsequent year.

ARM 17.50.410(1)(b) The department shall mail invoices for license renewal fees to license holders by June 15 of each year. License renewal fees will be calculated in accordance with Table 1, "Annual License Fee Schedule". Any solid waste management facility that does not fit into one of the categories listed in Table 1 shall be assessed fees no greater than major Class II landfill facilities. Payment of renewal fees may be submitted to the department quarterly, with the first payment due on or before July 31 of each base year. Failure to submit payments when due shall subject the license holder to the provisions of 75-10-116, MCA.

K. Additional Questions

ARM 17.50.411(3) In addition to the volume based fee specified in (1) of this rule, any person licensed to dispose of or incinerate solid waste shall submit to the department a quarterly fee of \$0.27 per ton of solid waste generated outside Montana and disposed of or incinerated within Montana. All facilities that accept wastes from outside Montana for the purpose of incineration or disposal must weigh the wastes accepted at that facility to accurately determine the volume accepted.

ARM 17.50.411(4) Each facility receiving waste generated outside Montana must record the weights of all out-of-state waste received and such records must be placed in the operating record and must be reported to the department in the annual report specified in ARM 17.50.412.

- | | Yes | No | N/A |
|---|-------------------------------------|----|-------------------------------------|
| 3. Does the MSWLF have records of HW screenings ? [ARM 17.50.511(1)(e)(ii)] | ☒ | | |
| a) Where are they located? <i>office</i> | | | |
| b) Any records of personnel training? [ARM 17.50.511(1)(e)(iii)] | | | |
| 4. Does the facility have on-site records of landfill gas monitoring ? | | | |
| 5. Are asbestos waste shipment records maintained? [40 C.F.R. § 61.154(e)(1)] | | | ☒ |
| a) Are copies of all required records and reports retained for 2 years? [40 C.F.R. § 61.154(e)(4)] | | | |
| b) Are records available for inspection? [40 C.F.R. § 61.154(i)] | | | |
| c) Is a map or diagram of the asbestos disposal area being maintained? [40 C.F.R. § 61.154(f)] | | | |
| 6. In regard to landfills , are waste shipment records maintained? | | | ☒ |
| a) Is the material typically analyzed? | | | |
| b) Are analytical results on file? | | | |
| c) What volume of soils are accepted annually? | | | |
| 7. Are leachate analysis records stored on-site? | | | ☒ |
| a) If not, where? | | | |
| b) When was the last sampling event? | | | |
| c) What contaminate(s) is the leachate tested for? | | | |
| 8. Any location restriction documents? [ARM 17.50.511(1)(p)(i)] | ☒ | | ☒ |
| a) What are they? | | | |
| 9. Any MSWLF unit design documentation for the construction or placement of leachate or gas condensate ? [ARM 17.50.511(1)(p)(iv)] | | | ☒ |
| 10. Closure and Post-closure care information on-site? [ARM 17.50.511(1)(p)(vi)] | ☒ | | |
| 11. Cost estimates or financial assurance documents on-site? [ARM 17.50.511(1)(p)(vii)] | ☒ | | |
| 12. Any information demonstrating compliance with small community exemption ? [ARM 17.50.511(1)(p)(viii)] | | | ☒ |
| 13. License issued? [ARM 17.50.410(1)] | ☒ | | |
| 14. Fees paid? [ARM 17.50.410(1)(b)] <i>need to check Helena Records</i> | | | |

NOTES:

K. Additional Questions

- | | Yes | No | N/A |
|--|-----|----|-------------------------------------|
| 1. Does the MSWLF accept out-of-state wastes? | | | ☒ |
| a) If so, how much? | | | |
| 2. Are the weight records up to date? [ARM 17.50.411(4)] | | | |
| 3. Has last quarter report and fee payment been submitted to the State? [ARM 17.50.411(3)] | | | |
| 4. Out-of-state waste received from: | | | |

ADDITIONAL NOTES AND/OR COMMENTS: *Administrative order issued. Under appeal. Waste placement continues off of licensed area. Final cover not completed on "Area B." of Damschen map.*

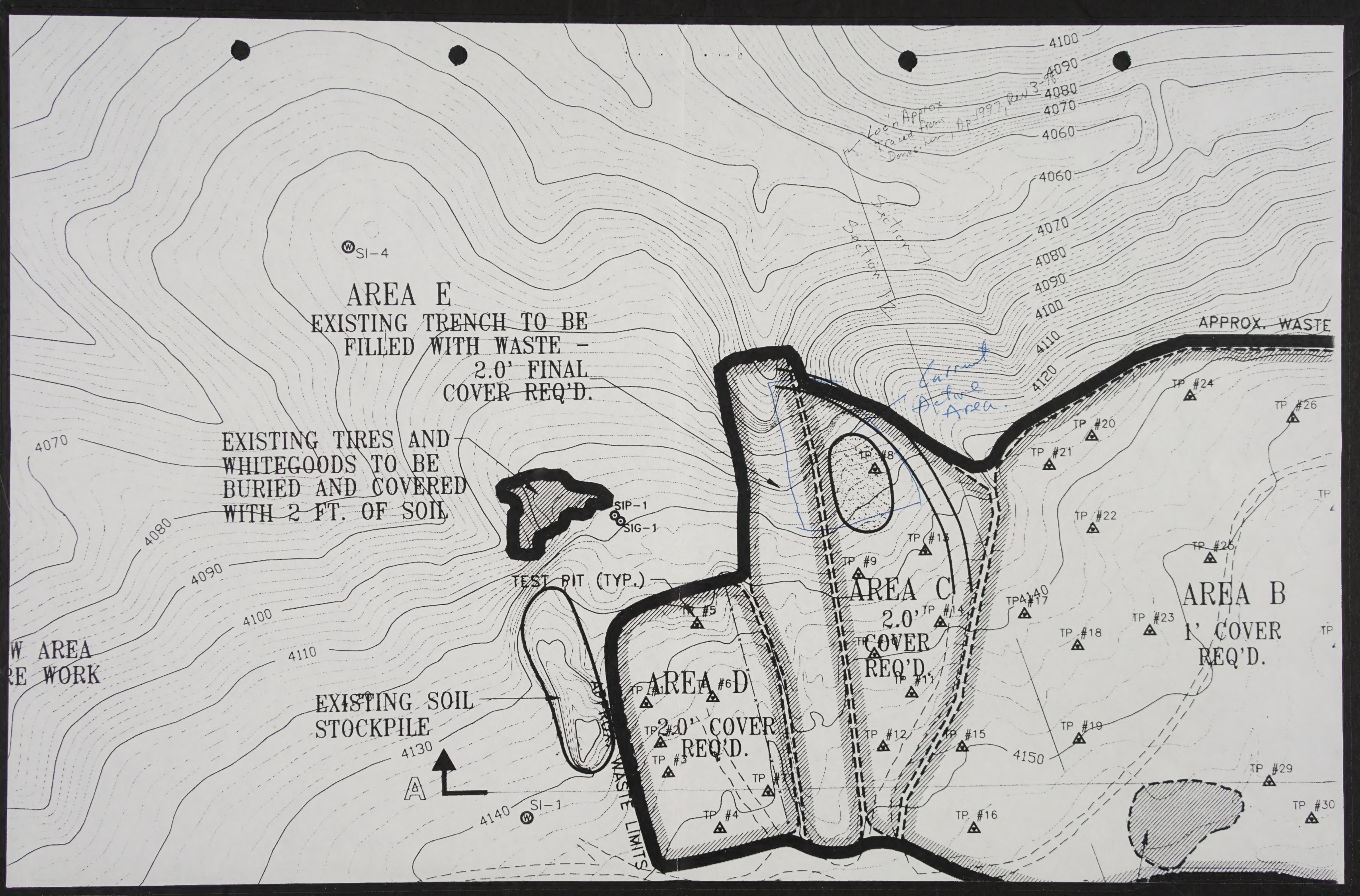
AREA E
EXISTING TRENCH TO BE
FILLED WITH WASTE
S.O. 11/24
COVERED

EXISTING TREES AND
WHITEGOODS TO BE
BURIED AND COVERED
WITH 3 FT. OF SOIL

EXISTING SOIL
STOCKPILE

AREA B

AREA C
WORK



AREA E
EXISTING TRENCH TO BE
FILLED WITH WASTE -
2.0' FINAL
COVER REQ'D.

EXISTING TIRES AND
WHITEGOODS TO BE
BURIED AND COVERED
WITH 2 FT. OF SOIL

TEST PIT (TYP.)

AREA C
2.0'
COVER
REQ'D.

AREA D
2.0'
COVER
REQ'D.

AREA B
1' COVER
REQ'D.

EXISTING SOIL
STOCKPILE

APPROX. WASTE

Current
Active
Area

Section

Loan Approx.
raised from AP 1997, Rev 3-98

W AREA
RE WORK

WASTE LIMITS

